Commentary

Volume Seventy-one, Number Six, June 1981

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The Most Beautiful Woman in Vilna Ruth R. Wisse

In Defense of Religious America Terry Eastland

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Books: Peter W. Rodman / Steve Zipperstein / Seth Cropsey / George Lane / Bryan Lops / Robert William Kagan

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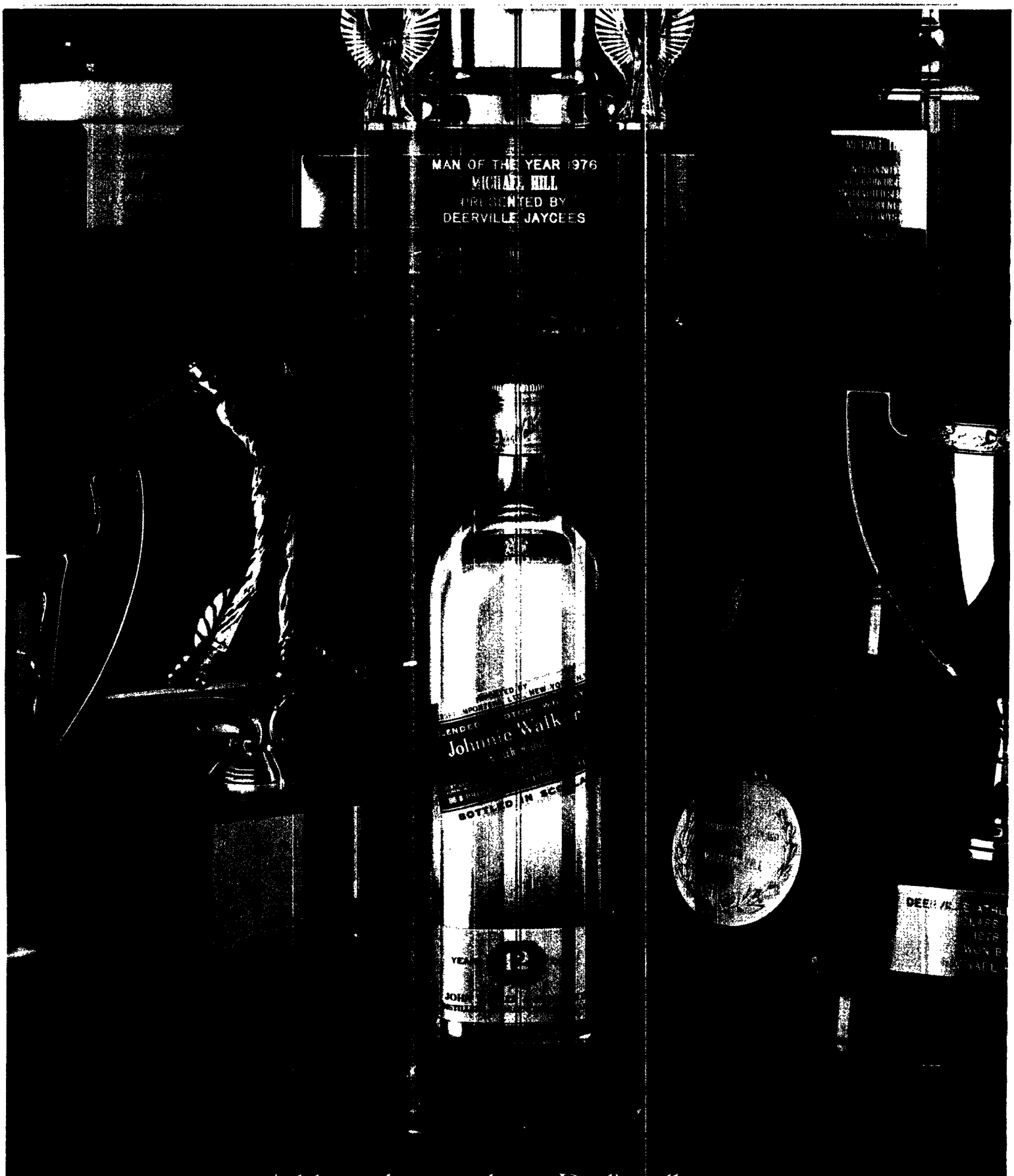

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Commentary

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A Statement of Aims

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Letters from Readers

The Holocaust

TO THE EDITOR OF COMMENTARY:

It is disturbing to find one's work judged in the pages of COMMENTARY not for its own merits or demerits but for the company it keeps. Robert Alter ["Deformations of the Holocaust," February] in his justified concern over the abuses, trivializations, and skewed priorities that attend the recent focus of public interest on the Holocaust seems to regard any scholarly study of the subject as fair grist for the mill of derision. With the exception of the work of a few select historians who emerge relatively unscathed, all other approaches to the subject are dismissed . . . so that Jews can get on with the business at hand, which is, in Jacob Neusner's words (as quoted by Mr. Alter), "the fact . . . that the living live. The choice is about the future, not the past." The future, presumably, is to incorporate only the more sanguine aspects of the past which make the Jewish heritage more palatable to the 80's generation.

Mr. Alter, of all people, surely does not need to be reminded that historical reconstruction is not the only shape that human memory takes, and that if there have been creative attempts to remember (or to "imagine") the Holocaust, then it is the critic's task to try to reflect upon and interpret them. ("Literature," Northrop Frye has said, "is . . . man's revelation to man, and criticism is . . . but the awareness of that revelation, the last judgment of mankind.") Surely the novels, poems, and plays of survivors are as significant as documents of human consciousness as are the diaries, the train schedules, and the reports of medical atrocities. There is far more to the novels of Ilona Karmel, Anna Langfus, Aharon Appelfeld, Ladislav Fuks than a "nightmarish gallery of horrific images." And the attempt to characterize the various responses of the imagination to the experience of the Holocaust is no more "taxonomic" than the historians' comparisons of different death camps.

It is to be hoped that the critic will have the sensitivity as well as the intelligence not only to apply the critical tools of the discipline to an analysis of forms and themes, but to know when the critical becomes perversely clinical and to be humble in the face of such an enterprise. Over the years, in his writing on the subject (for he has not muzzled his own impulse to analyze the Holocaust fiction of Elie Wiesel and Yehuda Amichai, or the poetry of U.Z. Greenberg), Mr. Alter himself has stood in the lonely perilous field of academic exploration. Throughout my own study of the literature, I have struggled to strike the proper balance between the pride of understanding and the humility of mourning. Failure to achieve the proper tone is far more serious in this subject than in nearly any other. But what is so unnerving in his present article is that Mr. Alter does not, as it were, "read" the text at hand, but rather dismisses the very *attempt* at analysis, at discrimination, and understanding. . . .

I have been fortunate, perhaps, to have been spared the agonies which Mr. Alter faces, along with others who worry primarily about the cultural agenda and about the foci of Jewish identity in the United States. The context of my teaching is the Hebrew University of Jerusalem, where, along with Yehuda Bauer and others, I encounter students who are committed to a much wider spectrum of Jewish culture. Of course in Israel too the Holocaust has been a major axis around which collective Jewish identity has been forged in the years since 1945. Here too there are distortions and trivializations, political and social abuses, but they take very different forms. And there is no danger that Holocaust studies will upstage interest in Hebrew literature or medieval Jewish history. (That context, the collective Jewish experience as reflected in the works of major authors writing in Hebrew, Yiddish, and several European languages, which formed the central section in my book, was for some reason totally ignored by Mr. Alter.)

What concerns me, then, is not only the ordering of priorities which disturbs Mr. Alter; it is clear to me that, as Bauer has said, the Holocaust must be contemplated, because it happened. No form of commemoration or of understanding (historical, sociological, psychological, literary) should be excluded *a priori* from this enterprise. What concerns me most are

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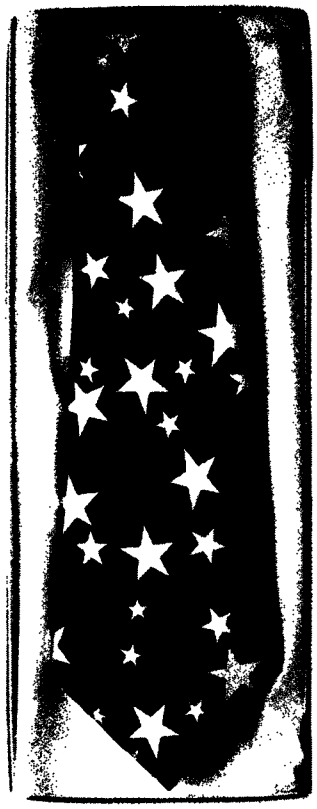

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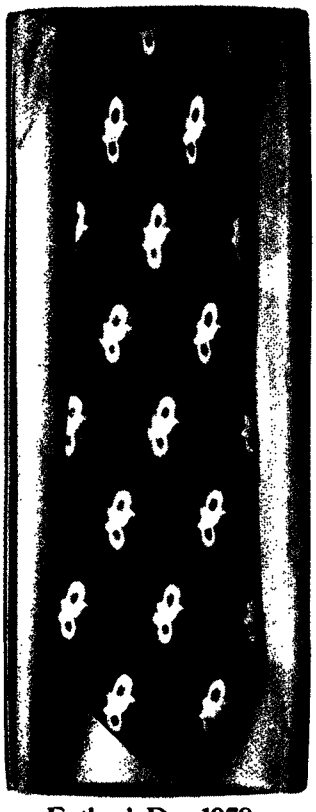

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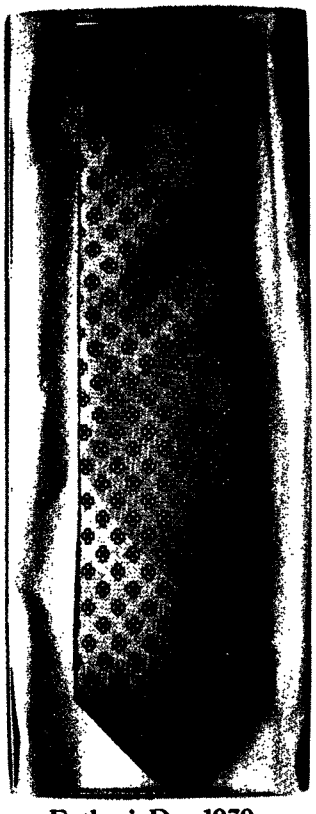

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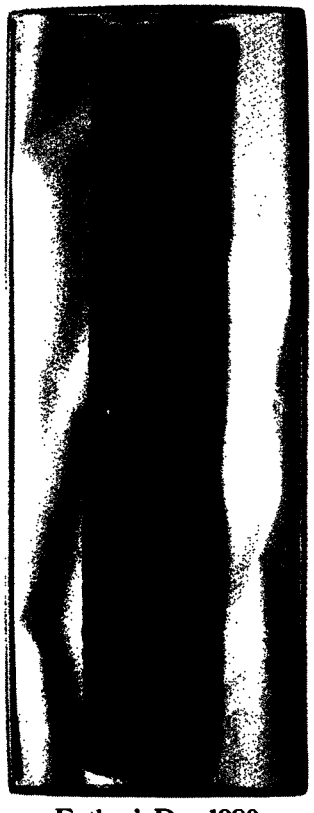

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the sanities, the sensitivities which must be respected. And they can be far better respected by an individual and common effort at setting norms and delineating boundaries than by either a blanket disregard for all manifestations of interest in the subject or by a suspension of all critical judgment in the face of a subject too sacred to touch. Mr. Alter criticizes the "classifying procedure" for its tendency to "distance the actual events." But how are we even to approach the complex aesthetic and moral issues posed by a novel like William Styron's *Sophie's Choice* (which Mr. Alter evasively characterizes as an "arresting if flawed novel") if we have not established a language of discourse, if we have not attempted to distinguish betwen those works of art which will endure as both powerful and authentic visions of a major Jewish and human cataclysm and those which will not?

The Holocaust will be remembered and the dead will have their memorial. The major task facing us is not just to embrace the future but to shape the future of memory.

SIDRA EZRAHI

Jerusalem, Israel

TO THE EDITOR OF COMMENTARY:

Robert Alter is generous—indeed, kind—to associate my work with that of Elie Wiesel, Irving Greenberg, and Emil Fackenheim, but unkind to do so in an article entitled "Deformations of the Holocaust." Whether intended or not, his article would seem to imply my participation in some grotesque exploitation and malformation of Jewish history, an excess to which I must plead innocent. In my book, in fact, I take some pains to describe and warn against the facile misappropriation of the vocabulary of Jewish suffering for relatively minor aches and pains. Mr. Alter knows this and might have said as much, but instead of reviewing the three books before him, he treats them as symptoms of a trend of historical abuse that he dislikes. I, too, dislike it, as does everyone else seriously engaged in studying the Holocaust, and I find it a little dismaying, after writing a book that protests the exploitation, to be seemingly lumped together with the exploiters. Is there really any legitimate parity, after all, between the work of those people in what Mr. Alter calls "the *Shoah* circle" and *The Generation After*?

One related point, this one about teaching. Indiana University, where I teach and whose Jewish Studies Program I direct, does offer courses about the Holocaust on both the undergraduate and graduate levels. Needless to say, it does so unapologetically and within the context of a curriculum that offers some 35-40 courses annually on Jewish subject matter. Students at Indiana University can "find out what the Haskalah was, how a page of Talmud reads, and who Judah Hanasi might have been." They also find out what the Warsaw Ghetto was, how a page of Chaim Kaplan reads, and who Emmanuel Ringelblum and Mordechai Anielewicz were. Contrary to what Robert Alter implies, the courses that encourage them in this study do not pretend to add up to a new academic discipline but represent the established scholarly disciplines. The Holocaust is being similarly studied at the other serious institutions of higher learning that I am aware of. There may be abuses at the less serious places, just as there surely are in the popular treatment of the Holocaust in the *Time* and *Newsweek* articles to which Mr. Alter refers, but that is only one more indication of their unseriousness. To suggest, as he does, however, that there is a general trend of academic distortion is itself to distort. Given the magnitude of the scholarly tasks before us, in fact, what is needed is more academic attention, not less.

ALVIN H. ROSENFELD

Indiana University
Bloomington, Indiana

TO THE EDITOR OF COMMENTARY:

There are many good points in Robert Alter's article, "Deformations of the Holocaust," but in reviewing approaches to the Holocaust, Mr. Alter lines up views he concedes are valid side by side with positions so manifestly wrong as to taint them all with the same brush. . . . My respect for COMMENTARY and for Mr. Alter's work is such that I cannot allow a number of assertions to pass in silence, lest they be accepted as unchallenged.

Mr. Alter suggests that the Holocaust is receiving excessive attention. This results in: (a) "an alacrity for endowing chairs in this subject before all other areas of Judaism," (b) the teaching of the Holocaust to the exclusion of other Jewish studies, and (c) the substitution of Holocaust consciousness for Judaism.

In fact, there are three endowed chairs in Holocaust studies in the United States—far fewer than in all other fields of Jewish studies—which is as it should be. Due to the shortage of scholars in the field, two of the three chairs are filled only on a visiting basis. There are many individual courses on the Holocaust offered with local financial support (including in those universities where this is the only Jewish-studies course available). . . . The resources involved in these courses are marginal and generally reflect the grassroots and student-initiated interest in this area as much as any conscious allocation of resources. Indeed, there is not one broad-gauge Ph.D. program in America offering Holocaust study in the context of history and other related disciplines. (Temple University's Ph.D. offering is in Religious Studies.) . . . The resentments of academics, which come out in exaggerated reports of support, reflect their treating the Holocaust as if it were just another academic/economic/patronage issue and should not have been dignified with Robert Alter's imprimatur.

The claim that we are substituting the Holocaust for Judaism is simply a canard—an infuriating untruth which has been repeated so often that it becomes almost impossible to refute. No serious thinker is doing this. Emil Fackenheim's teaching and writing is in the field of Jewish philosophy, the exposition of Judaism and of Israel's theological significance, not only in the Holocaust. Elie Wiesel has spent much of his time in the past decade writing such books as *Souls on Fire* (Hasidism), *Messengers of God* (Bible), *Four Hasidic Masters*, and teaching about the Jewish tradition. Zachor, the Holocaust Resource Center is a project of the National Jewish Resource Center whose main activities include publications, retreats, institutes, weekends, and leadership education. Judaism and the Jewish condition—not only the Holocaust—are studied and explored. I do believe that understanding and hermeneutics within Judaism are being reshaped by the impact of the Holocaust, even as the destruction of the Temple led to new theological and institutional developments within Jewry. But such a development is an expression of continuity, not substitution. Zachor/the National Jewish Resource Center has never been other than a frail and vulnerable organi-

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zation kept afloat by my willingness to give up a safe academic berth and work here full time. It is unjust that others who have extended themselves considerably less should be helped to spread this distortion about my work and that of others.

Mr. Alter's warning against vulgarization is legitimate. But . . . vulgarization should be fought, not used as an excuse to avoid confronting a watershed event. . . . Dealing with the Holocaust is so difficult and treacherous that most of us are filled with feelings of failure after every attempt—so vulgarization is all the more painful to view. But vulgarization is the compliment which faddism pays to substance. I prefer the current condition of fighting this abuse to the decades of indifference, silence, and even shunning of survivors which preceded it. The surge of interest in the Holocaust is part of a delayed reaction to a religious and cultural earthquake—one which is still denied and evaded by millions. It is a case of premature messianism to dismiss this sorting out as unnecessary or wrong. Mr. Alter's article aids this dismissal through guilt by association. . . .

Mr. Alter is right in warning against overreaction to Jewish experience in the Holocaust. To respond by advocating total distrust of all non-Jews is the road to paranoia and despair. But leaning over backward to make sure of security and avoiding *naive* trust in ideals, words—or others—is essential to Jewish survival. Discriminating response is everything. Why then does Mr. Alter lump the radical Right and the excessively universalist Left with the careful attempt of others to sort out the matter and to find allies to fight against a recurrence of the Holocaust? . . .

Finally, Robert Alter accuses me of conjuring up "a perversion of historical Judaism" by speaking of "eating the potato peelings of Bergen Belsen." I put aside the intellectual adequacy of attacking my thoughts on the basis of a one-sentence quotation in a popular newsmagazine. With all due respect to Mr. Alter, my suggestion is no more a perversion of historical Judaism than is Tisha B'Av (the ninth day of Av), the fast day for the destruction of the Temple. On that day, after three weeks of intensifying rituals of mourning, Jews reenact the *churban*. This includes a pre-fast meal in which some eat only bread and water, while others dip bread in ashes before eating to fulfill the verse: "He has broken my teeth with rubble and made me wallow in ashes" (Lamentations 3:16). Traditional Jews then give up eating, washing, shaving, sex, indeed any joy for an entire day and spend it telling and retelling the stories of that destruction and of later ones.

By analogy, Mr. Alter violently wrenches the statement quoted in *Newsweek* into the suggestion that such thinking is implicated in "justifying" the Holocaust as the first stage in the birth of the state of Israel. Obviously he has not read my extended treatments in writing of this theme, such essays as "Cloud of Smoke, Pillar of Fire" in *Auschwitz: Beginning of a New Era?* edited by Eva Fleischner or "The Interaction of American Jewry and Israel After the Holocaust" in *World Jewry and the Yom Kippur War*, edited by Moshe Davis. In those essays, I have specifically and bitingly castigated those who seek to justify the Holocaust by any religious principle and I deny that Israel is the outcome of a *quid pro quo* for the Holocaust. I call Israel the response of the Jewish people to the Holocaust, the "dialectical contradiction to the Holocaust," "the renewed testimony to Exodus after Auschwitz," "the fundamental act of life and meaning of the Jewish people after Auschwitz," "the unprecedented act of redemption" which matches "an unprecedented event of destruction." Mr. Alter owes me an apology for the thousands who will read his misreading and not my own writing on this matter. I believe he has enough integrity to make a clear retraction and call upon him to do so.

I reiterate my argument that *Yom ha-Shoah* (Holocaust Commemoration Day) and *Yom ha-Atzmaut* (Israel Independence Day) will become central days on the Jewish religious calendar—days in which both secularists and religionists will confront the destiny of the Jewish people and its testimony of life. Through these days and other rituals, all Jews will see themselves *as if* they were there. Contrary to claims that these events are substitute religions, I believe that they will in fact lead more and more people to reconnect to Exodus as a classic Jewish experience.

We need all the help we can get to study the Holocaust and draw forth its implications. We need help to overcome those who deny it happened, those who trivialize, vulgarize, or falsely universalize it. We need help to overcome the effects of the event itself. I regret that Robert Alter has failed to make his usual helpful contribution to a cause that deserves his assistance and participation.

[Rabbi] IRVING GREENBERG
Director, National Jewish
Resource Center
New York City

TO THE EDITOR OF COMMENTARY:

Robert Alter is more knowledgeable about Jewish literature than about Jewish politics. Americans for a Safe Israel is not a support group for the Likud.

There are, of course, support groups for various Israeli parties in the United States, including the Likud, i.e., the United Zionist-Revisionists. Mr. Alter is himself part of the support group for the Peace Now movement in Israel, which in this country is closely linked to the Americans for a Progressive Israel, the support group for Mapam.

Americans for a Safe Israel is a support group for an idea: that as long as the West depends upon Middle Eastern oil, the security of the United States is bound up with the security of Israel, the one stable, strong ally in the region, and that appeasement of Arab demands on Israel, be they Egyptian or PLO demands, is not the way to achieve peace in the area. We will continue to espouse that idea, and not any particular Israeli party.

HERBERT ZWEIBON
Chairman, Americans
for a Safe Israel
New York City

TO THE EDITOR OF COMMENTARY:

Robert Alter graciously allows that Edward Alexander's approach to the Holocaust "is actually closer to a sane inference from the awful facts of the Holocaust than the other main positions that have been assumed." That is, poor Alexander is straining in the direction of sanity, but has not quite attained it. Robert Alter has lately acquired rather a free and easy way of assigning people whose politics he dislikes to padded cells. In the January 1980 COMMENTARY symposium, "Liberalism and the Jews," he declared: "I find it hard to imagine that sane liberals, whatever their concern for Israel, would want to contemplate voting for Reagan." This is a declaration which

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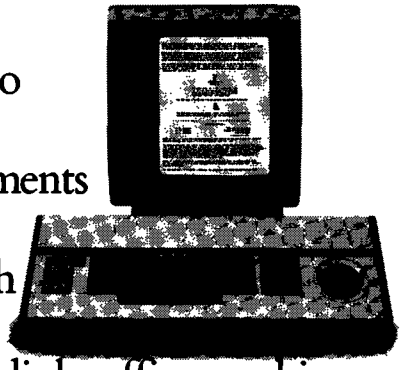

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consigns a considerable number of COMMENTARY's regular contributors, including (to judge from the New York *Times* preelection ads) Lucy S. Dawidowicz, Dorothy Rabinowitz, and Midge Decter, to padded cells. Surely so excellent a critic as Mr. Alter need not turn Viennese doctor whenever he disputes political views at variance with his own.

His gross formulation of Alexander's thesis—"the world wants to destroy the Jews"—does injustice to the subtlety and range of *The Resonance of Dust*. The book does assume that in the warmest of Gentile hearts there is often a cold spot for the Jews. But it reserves its harshest criticism for those Jews "who rest their claim to superior wisdom upon their inability to credit the sincerity of the nations [not "the world"] that 'have consulted together . . . and said: Come, and let us cut them off from being a nation;/ That the name of Israel may be no more in remembrance.'" Mr. Alter blames Alexander for introducing "a faint undertone of panic into political discussion" of the Arab-Israeli conflict. As an antidote, he prescribes that dispassionate observer of scientific fact, Jacob Neusner, who represents for Mr. Alter the condition to which all commentators on the relation between the Holocaust and the current plight of Israel should aspire.

Mr. Alter appears to forget that Neusner has spoken for "normalization" of Jewish attitudes not only with respect to the Holocaust, but with respect to Israel as well. Last year he complained at the YMHA that it was "abnormal" for American Jews to expend so much worry and energy on Israel, and he offered his own preoccupations as exemplary: his friend's sick child, his children's school activities, his garden, his dog. I believe that Alexander's book imparts a sense of urgency rather than panic. But if forced to choose between Alexander's "panic" and Neusner's calm, I vote for panic.

ERICH ISAAC
City College—CUNY
New York City

TO THE EDITOR OF COMMENTARY:

Robert Alter's "Deformations of the Holocaust" is aptly titled, inasmuch as it presents a twisted, deformed view of *The Generation After*. As editor of that political journal, I take offense at Mr. Alter's characterization of *The Generation After*'s views on the Holocaust. . . .

The Generation After is, first of all, an organization committed to the lessons of the Holocaust, and not just a publication. Mr. Alter would have known this had he perused the journal more carefully. . . . Our members are predominantly children of Holocaust survivors. While most members are Jews, a few non-Jews who share our goals do partake in our events. Our two major goals are as follows:

1. To mobilize—and to create forces in—the Jewish community to meet the threat of renascent Nazism, and to build alliances between Jews and non-Jews in a common struggle against that threat.

2. To replace current Holocaust education curricula that either deal inadequately with or ignore completely the reasons for Nazism's rise to power in Germany.

The Generation After, by its words and deeds, registers a sharp dissent against those who ignore or belittle the significance of rising fascism and racism throughout the world and particularly against the growing political naiveté in the Jewish community—a naiveté eagerly nourished by the Jewish establishment—that "democratic traditions" in the U.S. are so strongly rooted that the "unthinkable" could never happen here. Above all, our dissent is directed against the paucity and poverty of debate within the American Jewish community on these issues. . . .

Right off the bat, before attempting to grapple with its views, Mr. Alter labels *The Generation After* part of the "radical universalist Left." Such a phrase evokes, particularly in the eyes of sympathetic COMMENTARY readers, images of slavishly pro-Muscovite extremists who are, among other things, opponents of Israel's right to exist, anti-Zionist, proponents of the PLO, etc. . . . Worse, the label is false and can play into the hands of those who wish to smear *The Generation After*. Our journal has often reminded its readers of the anti-Zionist mask anti-Semitism dons. . . .

In addition, I take personal offense at the underlying implication of Mr. Alter's label, since I am a lifelong Zionist and am currently a dues-paying member of Americans for a Progressive Israel, a member organization of the American Zionist Federation. API propounds the same brand of Zionism as did Mordechai Anielewicz, the leader of the Warsaw Ghetto uprising. Robert Alter owes me, and *The Generation After*, an apology.

Mr. Alter's charge that *The Generation After* is universalist stands on shaky ground. We in *The Generation After* do not feel that the Holocaust has happened many times, nor do we award Holocausts to persecuted peoples in the promiscuous fashion that Mr. Alter implies. . . . Whether or not a given people's tragedy qualifies as a Holocaust is judged on a case-by-case basis. The shocking and uncanny parallels between the genocide of the native Americans and the genocide of European Jewry cannot be denied, however. It simply will not do for Mr. Alter to refute a contention he takes exception to by employing scare quotes or scare words like "supposes," as in "one writer actually equates the Gatling Gun, which he supposes to have been devised for the purpose of massacring the Indians, with the Nazis' Zyklon B gas." . . . What was *written*, not "supposed," was that the Gatling Gun was *used*, not devised, systematically to exterminate the Indians, just as Zyklon B, originally devised as an insecticide by I.G. Farben, was later used in the death camps. Like it or not, these are the historical facts. . . .

The Generation After is also not universalist when dealing with the Holocaust *per se*. The consensus of the overwhelming majority of our members is that eleven million, not six, died in the Holocaust. That is, six million Jews *and* five million non-Jews. We do not believe, as the Russians do, that at Babi Yar, for example, only "Russians" died; *that* is the true "universalist" approach. Since *The Generation After* specifies the victims, it is we, in fact, who are the particularists. Those who claim that *only* six million Jews died in the Holocaust, such as the people around Zachor, the Holocaust Memorial Council, etc., are the exclusivists, and those who claim that there was no Holocaust, or that only five million non-Jews died, are, of course, the revisionists. It is interesting to note how an exclusivist like Elie Wiesel, who says that the five million non-Jews died in the "war" (as if an innocent Gypsy civilian dying in the gas chambers had anything to do with war!), dovetails neatly with some neo-Nazi revisionists who claim, using Wiesel's logic impeccably, that yes, six million Jews did

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die—in the war, or from typhus, or whatever other fantasy. It is no laughing matter to see Elie Wiesel, proclaimed as the "Voice of the Holocaust," giving aid and comfort to enemies of the Jewish people. In addition, by excluding the non-Jewish victims in their conception of the Holocaust, Wiesel & Co. plant the seeds for a new anti-Semitism. Exclusivism leads also to divisiveness and to the absence of strong anti-Nazi alliances. . . .

All this is, of course, not to deny the unique aspect of Jewish suffering in the Holocaust. What differentiated the murder of Jews from the murder of members of other ethnic groups was the *sense of immediacy* that was attached to the former task. The Nazis could wait a little longer to kill the Pole, the Czech, and other "non-Aryans." . . .

After what passes for a "debate," what does Mr. Alter offer as his solution? Nothing! He wants to forget the Holocaust. . . . Mr. Alter is, ultimately, the typical Weimar Jew whose classical posture is that of the ostrich. When KKK-Nazi murderers get off scot-free in Greensboro, when neo-Nazi Lyndon LaRouche runs for president and receives half a million dollars in federal matching funds, when spokesmen for the Moral Majority pretend to court Israel while observing that Jews "control the media" and "have funny-looking noses," it is clear that American Jews are not living in some illusory neoconservative Eden, as Mr. Alter would have us believe. Only by fighting for social and economic justice with non-Jews will we obtain the "normalcy" to which we are all entitled. Like it or not, Weimar II may well be with us, and if the Jewish community follows Mr. Alter's lead and hypnotizes itself into a false sense of "normalcy," it will be rudely awakened from its trance by the jackboots. And by then, it will be much, much too late. . . .

SHELDON RANZ
Editor, *The Generation After*
Bronx, New York

TO THE EDITOR OF COMMENTARY:

Robert Alter's excellent article brought into sharp focus many of the egregious misconceptions the burgeoning Holocaust industry is helping to perpetrate. . . .

In many Jewish communities there is an . . . annual soporific candlelighting tribute to the six million Jews. I only regret that Mr. Alter did not mention this commercial commemoration, one that has become as banal as our fund-raising galas. . . .

It is interesting to note that the ultra-Orthodox, despite the severe losses and deprivation they suffered in the Holocaust, have always refused to participate in such organized rites. Hasidic communities, though still using the names of their perished towns, as did their European forebears (Satmar, Bobov, Vizhnitz), do not have collective gatherings to pronounce *kaddish* only for those killed during World War II. . . . Rather than canonize a distinct day of mourning for the victims of the Holocaust, many Orthodox rabbis, while acknowledging the uniqueness of *Churban Europa* (the destruction of European Jewry), believe that . . . memorial prayers should be incorporated into our liturgy and recited during traditional mourning days, most notably the ninth day of Av. The advantage of this proposal is that it links the tragedy of the Holocaust with the total scope of Jewish history. . . .

[Rabbi] JOSHUA BERKOWITZ
Congregation Agudath Sholom
Stamford, Connecticut

TO THE EDITOR OF COMMENTARY:

Robert Alter's article is informed by a lucid intelligence and great sensitivity. My admiration for Mr. Alter notwithstanding, I would like to comment on one of the issues raised in his essay.

Mr. Alter refers to Emil Fackenheim's "theology of Jewish survival . . . that would embrace all self-affirming Jews . . . [who] hear a 'commanding voice' from Auschwitz that tells them they must persist as Jews, lest they grant Hitler a posthumous victory." Mr. Alter correctly notes the seeming inadequacy of this conception in its present formulation. However, reflection on this idea may yield a framework within which the Holocaust may be thoughtfully dealt with.

The primary difficulty with Fackenheim's conception as it now stands lies in the fact that it is formulated in wholy negative terms. . . . If this were to be the only perception with which the Jew were to confront the enormity of the Holocaust, Jewish existence would be reduced to mere flight, a scampering across the pages of history, as indeed Sartre maintained it was. But there is more to the voice of Auschwitz than that. The inarticulable horror, which is our truest . . . reaction to the Holocaust, stems not only from an immeasurably heightened awareness of our perilous mortality, but also from a profound commitment to the idea that something better is to be expected of mankind. This commitment is not born of the death camps, even if it is they which rouse it and make us aware of its existence.

I do not by any means advocate the glib, indiscriminate ethics of the Left; rather I mean to say that a profound commitment to an ideal which steadfastly stares into the eyes of the Medusa is at the very core of the Jewish experience and that this commitment may serve as the basis for a meaningful Jewish existence in the aftermath of the Holocaust. Jewish thought and expression, from the first chapters of Genesis to Job to the present day (see Abraham Kaplan's "The Jewish Argument with God," COMMENTARY, October 1980) has unflinchingly acknowledged the terrible reality of Evil by casting it in high relief against an ideal Good. While it is true that the classical sources of Judaism refuse to grant historical dualism a more than temporary existence, only history will reveal whether or not that duality is irreconcilable. In this regard, each individual must find his own way to a historical outlook.

May I suggest that the only adequate response which someone with a conscience can make to the Holocaust is to refuse to allow the small voice within him which cannot but exclaim "the horror!" to fade away into dumb silence, and to respond to it in accord with the best dictates of conscience, sensitivity, and intelligence. This may not provide the ultimate answers to the shattering questions posed by the Holocaust, but it may establish the ground for a confrontation with the Holocaust in the name of a simple, yet unwavering humanity.

YEHUDAH MIRSKY
New York City

TO THE EDITOR OF COMMENTARY.

With his customary clarity, Robert Alter has set out the discomfort he feels and the dangers he perceives ahead now that the Holocaust has become popularized in the media, in the universities, and through the formation of special institutes. I share his fears. . . . But . . . there are two matters which

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also need to be taken into account....

The first concerns the apparent concentration of university interest on the Holocaust to the exclusion—or near-exclusion—of other areas of Jewish cultural concern. In some degree this is more apparent than real. In a sense it parallels the older Jewish community practice of using pro-Israel sentiments as the fund-raising vehicle for financing a whole range of domestic Jewish activities, educational, welfare, and cultural among them. At some future date there will have to be an accounting. For the moment, however, we still envelop Jewish domestic needs within the Israel appeal. Now the Holocaust is being used in a comparable manner.

The second matter ... is of a totally different order. It raises the question of how "Jewish" is the Holocaust once it becomes a TV docudrama, or part of an American university academic program, or the concern of a U.S. Presidential Commission? Surely in contexts such as these it is less than appropriate to disregard the fact that for all its tragic uniqueness to Jewish history and experience, the Holocaust assumes other perspectives and characteristics.

I raise this question from the experience of a political scientist who for the past decade has offered a course on the politics of genocide. The main focus of the presentation and the discussion concerns the Holocaust. The vast majority of my students—some two-thirds—have been Jewish. However, the purpose of the course is to contribute to the general academic program in an American university, where the student body is highly diversified both ethnically and religiously.

I do agree with Mr. Alter that for the Jewish community there are grave dangers both for Jews and non-Jews if the Holocaust is regarded as the very essence of Jewish experience and culture. This problem is related to that older tendency to present the Jewish experience only in lachrymose terms. We still need to find appropriate ways to deal with this regrettable inclination.

However, for all its tragically special Jewish characteristics, the Holocaust is part of modern history. If there is to be any hope of preventing further horrors of this dimension, if there is to be any possibility of limiting the mounting proliferation of genocidal crimes in the years ahead, then surely the Holocaust has to be comprehensible to a public larger than the Jewish community....

I am sure that Robert Alter will have no disagreement with me on this score. But such an agreement implies some modification of his opposition to the growth of the present academic interest in the Holocaust.

STANLEY NEWMAN
Temple University
Philadelphia, Pennsylvania

ROBERT ALTER writes:

Perhaps it is the nature of the subject to inspire imprecise reading even in those who are generally accustomed to examine texts scrupulously. If Sidra Ezrahi had looked a little more carefully at my article, she would have seen that I nowhere "dismiss the very *attempt* [her emphasis] at analysis, at discrimination, and understanding" or propose a "blanket disregard" for the mass murder of European Jewry. What I did do was to lament the unavoidable consequences of academicization in the way we relate to this subject—a lament for which I borrowed the keynote from Mrs. Ezrahi's Jerusalem colleague, the Holocaust historian Yehuda Bauer. And I certainly did not suggest—nor did Jacob Neusner, whom I quoted—that our task was "to incorporate only the more sanguine aspects of the past which make the Jewish heritage more palatable to the 80's generation." (If Mrs. Ezrahi really discovered a pitch to the 80's generation in my essay, she is a much poorer reader than I took her to be from her book.)

Alvin H. Rosenfeld finds that he has been "seemingly lumped together with the exploiters," apparently because he appears in the same article as *Newsweek* and CBS, but in fact I was careful to distinguish between serious academic studies such as his, Edward Alexander's, and Mrs. Ezrahi's and the vulgar commercial use of the Holocaust. I am happy to hear from Mr. Rosenfeld that Indiana University has such an admirable balance in its Judaica offerings, but the statistics I have seen flatly contradict his unsupported assertion that this balance is prevalent elsewhere in the academy. As to the need for more Holocaust studies, that, as I stated in my article, is a matter of priorities, and I continue to disagree with him on what we need more of right now.

Irving Greenberg raises related objections. It may be that there are only three endowed chairs in America in Holocaust studies, but this is by no means "far fewer than in all other fields of Jewish studies." There is, for example, no endowed chair right now in Hebrew literature in any American university, and several other Judaica fields have only one or two chairs. The rest of Rabbi Greenberg's letter, like those of Mrs. Ezrahi and Mr. Rosenfeld, is devoted to deploring my supposed "lumping together" of valid responses to the Holocaust with reprehensible ones. I understand that no writer likes to find himself even distantly linked with company he abhors, but in fact I made a point of drawing clear distinctions among Left, Right, and Center, theological, academic, political, and commercial uses of the Holocaust. I did not equate the Zachor group with the inventors of the media machine at the Wiesenthal Center; I did not say that Irving Greenberg proposes the Holocaust as the exclusive key to Jewish identity; and I implied absolutely nothing about his views on the relation between the murder of European Jewry and the birth of Israel. (I am sorry if all the context I had for his remark in *Newsweek* was the skimpy one provided by the magazine, but, for the reasons I stated in my article, I persist in thinking that a ritual ingestion of the rotten potatoes of Auschwitz is a singularly ill-conceived idea.) And I remain uneasy with the theological centrality that Irving Greenberg, Emil Fackenheim, and others whom in some regards I admire would give the Holocaust. With a weather eye to the facility with which seriously conceived ideas are distorted in their popular receptions, I am frankly afraid that a slippery slope runs down from Zachor to the Los Angeles media machine, whatever the good intentions of Zachor's leaders.

Herbert Zweibon is correct in saying that his organization is not a support group for Likud. I should have identified it rather as a group originally founded to support the Greater Israel movement and as one that did strongly back Likud policies—at least until Begin made peace with Egypt.

The letters by Erich Isaac and Sheldon Ranz, Right and Left respectively, are their own best refutations. Mr. Isaac's ill-tempered outburst has very little to do with my

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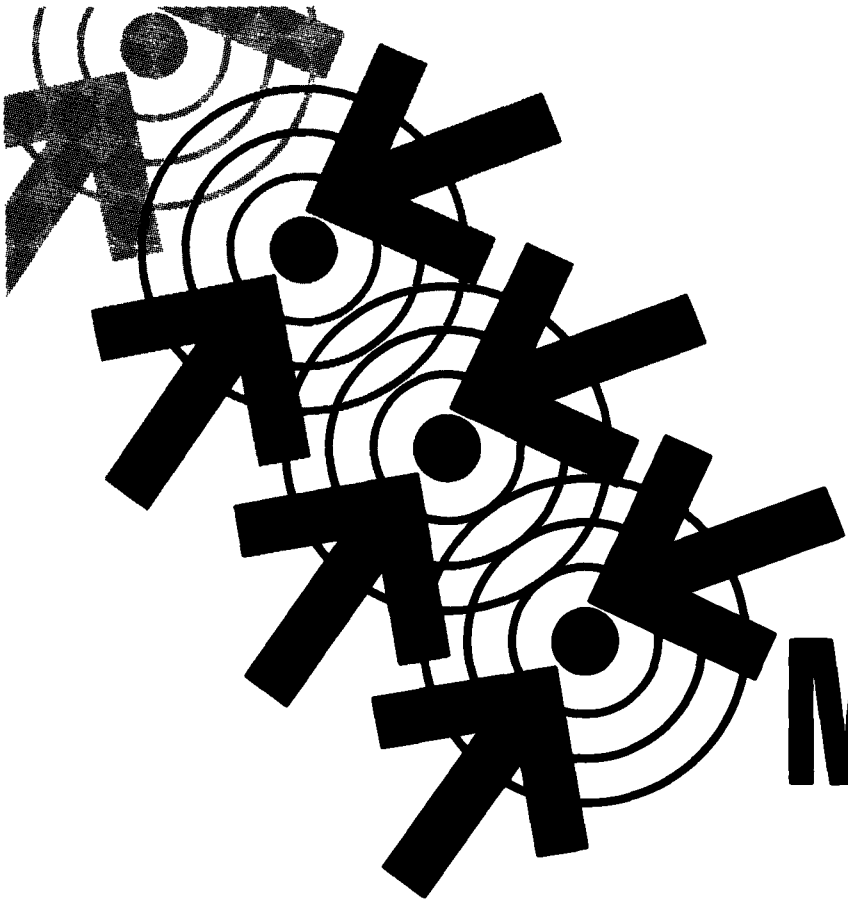

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argument. By an act of rhetorical manipulation he brackets together two rather different uses by me of the adjective "sane" and then falsely attributes to me the notion that I view all who disagree with me poltically as insane, and in the same breath he would appear to assume that it is somehow a failing on my part not to share all the political views of fellow-contributors to COMMENTARY. Odder still is his attempt to hold me responsible for statements he claims Jacob Neusner to have made orally last year in New York. There are serious issues raised in my article that are worthy of debate, but nothing in Mr. Isaac's letter rises above the level of demagogic distortion.

I must admit, however, that on the score of demagogic distortion, Erich Isaac is no match for Sheldon Ranz. Mr. Ranz can blandly assert that he and his colleagues do not "award Holocausts to persecuted peoples . . . in promiscuous fashion" and in the next moment illustrate just such promiscuity by speaking of "the shocking and uncanny parallels between the genocide of the native Americans and the genocide of European Jewry." As a comparison of two orders of historical injustice drastically different in scope, intention, and execution, this is either unforgivably ignorant or willfully mendacious. The latter alternative may be the more likely one, for there is surely malicious distortion in Mr. Ranz's linking the views of Elie Wiesel to those of neo-Nazi revisionists (are there no limits of decency to name-calling?) and in his blatantly false assertion that I was proposing "to forget the Holocaust." Finally, I nowhere implied that Mr. Ranz and his friends were anti-Zionist or pro-Moscow, though I did suggest that their brand of "anti-imperialist" universalism involved a certain rancorous hostility toward America—a suggestion amply documented by Mr. Ranz's own letter.

My thanks to Joshua Berkowitz, Yehudah Mirsky, and Stanley Newman for their kind words on my article and for their considered reflections on some of the questions I raised. (In passing, I would also like to thank all those readers who have expressed to me directly their appreciation for the article.) To Mr. Newman's sensible remarks on the place in the curriculum of Holocaust studies, I would add only the following: a course such as the one he has taught on the politics of genocide serves an obvious and important educational function; my chief objection was to the notion that the investigation of genocide in the academy or elsewhere could be made a cornerstone of Jewish identity, or that scarce resources should be allocated to Holocaust studies to the detriment of the Bible, the Talmud, Jewish history, Hebrew and Yiddish literature, as academic subjects much in need of strengthening.

Vietnam

TO THE EDITOR OF COMMENTARY:

In his review [March] of a book on the Christmas bombing of Vietnam [*The Prestige Press and the Christmas Bombing, 1972* by Martin F. Herz], Charles Horner makes the following statement about the peace negotiations in the fall of 1972: "On October 26, 1972, Kissinger stated, 'We believe peace is at hand,' but he pointed out that a final agreement had not been reached. When negotiations resumed after President Nixon's overwhelming defeat of George McGovern in the November election, Kissinger discovered that the North Vietnamese now sought major revisions of the earlier agreement."

That account omits a crucial fact. It was the *South* Vietnamese who first sought major revisions in the peace agreement.

Kissinger's book lays out the unhappy procession of events in painstaking detail. His reiterated theme is that President Thieu and his government, not the North Vietnamese, objected to the agreement. "With negotiations about to resume, our overriding problem was in Saigon" (p. 1411 of *White House Years*). General Haig was sent to Saigon. On November 11, 1972, Thieu met him and "demanded the withdrawal of North Vietnamese forces, which . . . had not been part of any of our joint proposals since 1970. He toughened even this unattainable demand by spelling out how the withdrawal should take place and what weapons had to be taken along. He gave Haig a letter to Nixon restating these demands . . ." (p. 1412).

On November 18 Thieu had a memorandum given to Ambassador Bunker. "Saigon now proposed sixty-nine modifications, leaving almost no paragraph of the draft document untouched" (p. 1413).

On November 20 Kissinger met Le Duc Tho in Paris—their first session since October 12. Kissinger said it was time to look to the future and conclude the agreement. "It was a stirring speech whose impact was immediately vitiated by my putting forward all the sixty-nine changes requested by Saigon. This proved to be a major tactical mistake. The list was so preposterous, it went so far beyond what we had indicated both publicly and privately, that it must have strengthened Hanoi's already strong temptation to dig in its heels . . ." (p. 1417).

At the next meeting, on November 21, "Le Duc Tho emphasized the obvious: The changes I was demanding were not just 'technical' but substantive, not few but many. He rejected the overwhelming majority; he accepted a few technical ones. More worrying, he began demanding changes of his own" (p. 1418).

That was the order of events. Hanoi had earlier made publicly clear its willingness, indeed eagerness, to sign the draft agreement as it stood. Le Duc Tho sought changes only after Kissinger had tabled those demanded by President Thieu.

The chronology is basic to felt doubts about the Christmas bombing. For the bombing punished the *North* for delays in the peace agreement occasioned by the *South*.

There are ample grounds for disagreement about the nature and effect of the Christmas bombing. I think there are no grounds for doubt about which side accepted the peace agreement as drafted and which first demanded major revisions.

ANTHONY LEWIS
Boston, Massachusetts

CHARLES HORNER writes:

Anthony Lewis's letter underscores a point I made in my review of Ambassador Herz's book, namely, the moral immunity that North Vietnam has come to enjoy in most discussions of the Indochina war. According to Mr. Lewis, the Christmas bombing "punished the *North* for delays in the peace agreement occasioned by the *South*." Surely, this is a bizarre way to put the proposition, given the fact that it was the North which had invaded the South, and not vice versa. The implied condemnation of South Vietnam and the United States is, of course, part of the customary paradigm—South Vietnam had no rights in the mat-

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ter and North Vietnam should, under no circumstances, be punished, then or now. Thus, implies Mr. Lewis, our sympathies ought to rest with the North Vietnamese, forced to endure bombing because the obstinate South Vietnamese managed to coerce the United States into conducting the air raids.

One would have thought that the time had long since passed for efforts to portray North Vietnam as victim. Any punishment meted out to the North Vietnamese during Christmas 1972 is scarcely comparable to the cruelty of the Vietnamese Communists either during the war or in the aftermath of their victory. Accordingly, in the light of what everyone should now know, continuing efforts to place some presumed moral burden upon the United States are feeble and pathetic. But given the vested interests that some still retain in this "debate," the efforts will no doubt continue.

Immigration

TO THE EDITOR OF COMMENTARY:

Samuel Rabinove's article, "Toward an Immigration Policy" [February], conjures up an image of "hundreds of millions" of immigrants desperate for the chance to devour our resources and destroy our standard of living. Readers who believe this alarming analysis might be interested to know that it is not a new one.

Rumors of the immigrant menace after World War I inspired attacks against Mexicans and Mexican Americans by vigilante groups. During the Depression, the same fears caused over 400,000 people to be shipped back to Mexico, half of whom were American citizens. When the World War II economic boom was over, astonishing numbers of Mexican-origin people were deported, many of whom were here legally. The pattern is clear: when economic times are bad, it is easier to blame immigrants than to set straight the complex puzzle of our economic problems.

Mr. Rabinove's article is a good example of this scapegoating. He presents the argument, for example, that people here without the proper papers "compound our unemployment problems by taking good jobs away from Americans." How many Americans, I wonder, would class farm labor and sewing in a dress factory under the rubric of "good jobs"?

He mentions fears among blacks that aliens take jobs away from them. As Professor Wayne Cornelius of MIT points out, there are strong indications that hard-core unemployment among minorities in the East and Midwest has far more to do with racism, poor schools, and the failure of corporations to develop jobs in inner cities than with the presence of foreign labor. Most economists give little or no weight to immigration as a factor in minority unemployment. They indicate that the single most important cause for U.S. labor force expansion over the past decade and a half is the increase in working women.

Mr. Rabinove dismisses as "alarmist nonsense" the claim that legal penalties for employers hiring aliens would jeopardize the freedom of citizens or deter the hiring of Hispanics. Mr. Rabinove has clearly never met one of those Mexican Americans—many of whose sons and fathers fought valiantly in our wars—who have lost jobs because employers thought they "might" be aliens. Americans of Mexican origin find their homes broken into during alien searches. We are flushed out of movie theaters and herded together during alien roundups. We are arrested and, at times, beaten by law officers who assume we are illegal.

It is historical fact that, when the immigrant scapegoating wave rises, all people who appear Mexican tend to be labeled "illegals." We end up with statements like Mr. Rabinove's, "most of the illegal aliens in the United States today came here from Mexico." Even FAIR, the major immigration-restriction advocate in the nation, admits that fewer than half of the undocumented aliens in this country are Mexican.

Mr. Rabinove presumes too much when he claims that proponents of amnesty for many undocumented aliens would prefer to "scrap all immigration restrictions and simply open our borders to all. . . ." The Mexican American Legal Defense and Educational Fund, for one, is in favor of full enforcement of the Immigration and Naturalization Act. We do not believe, however, in focusing disproportionately on Mexicans. (Though less than half of undocumented aliens come from Mexico, 92 percent of enforcement activities are concentrated along the Rio Grande.)

We support recent recommendations that aliens entering the U.S. before January 1, 1980 be granted permanent resident status because we know that many of these people have been here for years, even decades. We feel they deserve the chance to naturalize without incurring the risk of deportation. We also believe that the contributions undocumented workers have made to this country should not be blithely tossed aside. In many areas, the current U.S. standard of living would not be possible but for the labor and tax payments of the Mexican field and factory worker. For that reason, we agree with Mr. Rabinove's suggestion that restrictions on legal migration be liberalized. We support a rise in the legal entry quota from Mexico.

As Douglass Massey of the Office of Population Research at Princeton states, the best evidence shows that "the United States is not being inundated by an out-of-control 'invasion' of immigrants; nor is it likely that illegal aliens represent a burden to taxpayers; nor is there any clear evidence to indicate that, on balance, illegal aliens displace American workers."

Immigration is a normal process and a revitalizing force for our country. That immigration should be carried out legally is, of course, desirable. To portray immigrants as an invading horde is not only inaccurate; it holds the seeds of tragedy for innocent undocumented workers and American citizens alike.

VILMA S. MARTINEZ
President and General Counsel
Mexican American Legal Defense
and Educational Fund
San Francisco, California

TO THE EDITOR OF COMMENTARY:

. . . Samuel Rabinove's "Toward an Immigration Policy" serves to open the debate on the direction of current immigration policies.

This subject has been taboo in the Jewish press for much too long. Though we may want to continue to stick our heads in the sand and pretend that it isn't there, the deleterious effects of massive, out-of-control immigration have profound and lasting consequences for the Jewish community in America.

We may as well come out of the closet, admit that we have a problem, and prepare to take a rational position on the issue.

GERDA BIKALES
Federation for American
Immigration Reform
Washington, D.C.

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SAMUEL RABINOVE writes:

Vilma S. Martinez, understandably, views the problem of illegal immigration through her own special prism. Hence she fails to see the picture either clearly or whole. In fact, there is compelling evidence that former Secretary of Labor Ray Marshall was correct in his assessment that illegal aliens (who are much sought after by employers because generally they are such excellent workers) are displacing at least some American workers. For example, the New York *Times* of November 10, 1980 reported that:

> Illegal aliens are increasingly bypassing the nation's farms and ranches . . . for better paying jobs in construction, manufacturing, and service industries. In many cases they receive the same salaries and benefits, such as employer-sponsored health care and union membership, as the American workers they are sometimes displacing.

Nor are they merely "sewing in a dress factory." According to the *Times*, large numbers are working for plastics and electronics companies, foundries and meat packing plants, among many other manufacturers. "They're taking jobs from young people, those that are just starting out, from blacks, and from other aliens who have gone through the proper immigration process in this country," said Ted Georgetti, the chief immigration investigator in Chicago. George Montoya, his counterpart in New York City, agreed: "There are many black teen-agers who would like to have some of the jobs these illegal aliens are taking." The *Times* reported that last summer 69 illegal aliens, earning $4.50 to $13 an hour, were arrested at a foundry in Elgin, Illinois. Within hours, hundreds of local residents had applied for these jobs and, within three days, all of them were filled.

No responsible person condones violations of human rights or of due process of law by government agents in the course of seeking to apprehend persons here unlawfully. Such practices must be resisted vigorously. In fact, the American Jewish Committee recently filed a friend-of-the-court brief, in which the Mexican American Legal Defense and Educational Fund joined, in a case in California which presents that very issue. But legitimate and proper enforcement is quite another matter.

Miss Martinez avers that her organization favors "full enforcement" of our immigration laws. Yet, apparently, it also opposes every measure that might make effective enforcement a reality in the foreseeable future, such as a significant bolstering of our border patrol, a law against the hiring of illegal aliens, and some system of secure identification to enable employers to comply with such a law. Each of these measures, incidentally, was supported by a majority of the members of the Select Commission on Immigration and Refugee Policy, which delivered its final report to the President and Congress last March. To be specific, the Mexican American Legal Defense and Educational Fund actually criticized the Select Commission report for stressing improved border enforcement, saying that the Commission should have paid more attention to the economic causes of immigration from Mexico. Since the United States possesses no magical cures for its own economic ills, let alone those of Mexico or other source countries of illegal immigrants, that approach is a prescription for doing nothing about the immediate problem.

Nobody knows for certain what proportion of the illegal aliens in the United States today came here from Mexico, any more than we know the total number of such persons now here. We do know that not all of the people who cross the Mexican border are Mexican; an indeterminate number come from Central America and even South America. In an authoritative article in the fall issue of *Foreign Affairs*, Michael S. Teitelbaum, former staff director of the Select Commission on Population of the House of Representatives, said: "Most objective observers believe that the Mexican percentage is closer to 50-60 percent [of all illegal migrants]. . . . Mexico is by far the largest single source country. . . ." But whether the percentage of Mexicans is more than half or less than half of those entering unlawfully, there is ample basis for concentrating U.S. enforcement activities along the Rio Grande.

To suggest that I portrayed illegal immigrants as "an invading horde" is simply false. Among other things, I wrote: "The case is made that they are generally law-abiding and productive people; that they work at jobs that most Americans shun—hard, dirty backbreaking labor at low wages. . . ." It is also true, however, that the substantial numbers of immigrants who are now here unlawfully, coupled with the continuing and virtually uninterrupted flow of additional illegal aliens, serve to undermine the rule of law. I too would favor a one-time amnesty for most of the people now here unlawfully, but not until we do a much better job of securing our borders.

It was Father Theodore M. Hesburgh, chairman of the Select Commission, who can hardly be accused of "scapegoating" anybody, who declared that illegal immigration is "out of control." Most of the members of the Select Commission, after intensive study of the problem, evidently agreed with him. It is this reality and its many disagreeable implications, especially the powerful current backlash against *all* immigration, that Miss Martinez seems unwilling to confront.

The Schools

TO THE EDITOR OF COMMENTARY:

Joseph Adelson's article ["What Happened to the Schools," March] is typical of his lucidity and thoroughness. It clearly outlines some of the major issues confronting youth policy in America. Still, I feel his conclusions, albeit they are tentative, are largely on the wrong side.

The first issue is: how bad is the situation of our youth? Mr. Adelson properly points out that some researchers (including Richard Easterlin) have contended that contemporary youth alienation is mainly due to the transitory "youth bulge"—the existence of a disproportionately large number of youths compared to the number of adults. Because of demographic shifts, the bulge is now in the process of expiring. So too, it is thought, is the current high level of youth disorder.

Regretfully, I must report that a colleague, Jonathan Shapiro, and I have just completed a long-term statistical analysis of the correlation between the curve of the youth bulge and the curve of white male adolescent suicide. While the paper has not yet been published, our most pertinent finding can be mentioned here. The significant relationship between the two curves is only 17 percent. As statisticians

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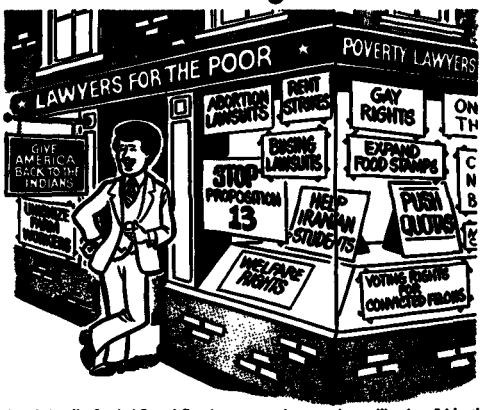
LOOK BEHIND THE LABEL!

Is it "Legal Services for the Poor"? or a $300 Million Subsidy for Liberal Causes?



Senator Jesse Helms (R-N.C.) says, "Other federally funded Legal Services activities include: Litigation in order to return major portions of the State of Maine and Massachusetts to the Indians; a lobbying campaign for the graduated income tax in Massachusetts; . . . Litigation to place South Boston High School in receivership; An amicus brief in the Bakke case; Litigation to compel the government to finance a minor's nontherapeutic sterilization; Litigation to define 'black English' as a foreign language; Litigation to challenge a State's right to interview its welfare recipients in order to reduce fraud; Litigation to compel the New York City Transit Authority to hire former drug addicts; and Litigation to establish the principle that a mother's lesbianism is not sufficient grounds for changing a custody decree."

***Fact: Ronald Reagan is not the enemy of the poor.** Inflation is. Legal Services is an ideological program. What President Reagan has proposed is not that the poor be denied access to our system of justice, but that the Legal Services Corporation, which is a $300,000,000 public interest law firm, cease to be authorized at the Federal level. The President has instead proposed a program of block grants with funds which, at the discretion of the states, could be assigned to legal service activities on which those states place a priority.

***Fact: Not one penny of Legal Services Corporation money goes to the poor.** All of it goes to fund the activities of a nationwide network of 5,500 lawyers and 12,000 support personnel who engage in grass roots organizing, legislative advocacy, assistance to activist groups (helping them secure Federal funds), and solicitation of Legal Service clients to involvement in lobbying. The program operates through some 320 private organizations which include on their boards, leaders of such groups as Gay Rights, the ACLU, Common Cause, and the leftist National Lawyers Guild.

***Fact: The American Bar Association (ABA) has a conflict of interest in** pushing taxpayer funding of this program which subsidizes more than 5,000 lawyers. Private persons sued by Federally-funded legal services lawyers must hire private attorneys—many of them ABA members. Legal services lawyers, taxpayer subsidized, are active in the ABA and heavily influence ABA policy on the legal services program. The ABA has adopted liberal positions on many issues—including support for taxpayer funding of abortion—which legal services lawyers help promote.

***Fact: The Legal Services Corporation provides the glue which holds together the political armies of the left.** LSC-funded activists have been in the forefront of opposition to President Reagan's El Salvador policy. They work against capital punishment. They assisted Tom Hayden's California ballot campaigns. They opposed oil drilling in Alaska. They support boycotts of States that have not ratified ERA. They campaign for taxpayer-funded abortion. They oppose prayer in the schools. They participate in demonstrations against the U.S. Naval presence in Puerto Rico. They assist radical Iranian students. They organize rent strikes. They have even represented the Ku Klux Klan.

***Fact: The Legal Services lawyers say they want to insulate their activities from politics,** but, in fact, they want to protect their political activities from accountability to the American taxpayers, who foot the bill.

***Fact: There is no absolute right to sue.** Most Americans above the poverty level don't have the resources to hire an attorney whenever the mood strikes them. They must apportion their limited resources and set priorities among food, clothing, shelter, medical care, legal representation and other needs. Why should they have to subsidize for others what they can't afford for themselves?

***Fact: Many Legal Services attorneys say they are making a great financial sacrifice** and assert they could double their income in private life. They should be encouraged to do so. They would then be in a position to donate a portion of their income or their time to represent the poor, without requiring working American taxpayers to subsidize their activities.

***Fact: Legal Services lawyers say the legal needs of the poor are unmet.** But, whenever a service is free, the demand for that service is unlimited. Right now there is supposedly one Legal Services lawyer for every 6,000 poor people. If the issue is simply one of providing the poor with a lawyer, why establish a separate, segregated legal system for their benefit? Why not permit attorneys in private practice to take a charitable deduction on their taxes in return for assistance to eligible clients?

***Fact: There is no economic constraint on salaried Legal Services attorneys and support personnel.** It costs *them* nothing to sue. But those whom they sue must pay for their own legal representation. Many have chosen not to defend themselves against Legal Service lawsuits because of the economic impossibility of a private individual having to take on the $300 million resources of the Legal Services Corporation.

". . . to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical." —Thomas Jefferson

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realize, such a conclusion is little more than might be obtained from purely coincidental symmetry. Apparently, we cannot rely on the disappearance of the youth bulge to remedy our youth problems.

Mr. Adelson also cites the research of Daniel Offer and others to the effect that many adolescents are leading wholesome, traditional lives. Given the fact that there are millions of adolescents in America, this research is probably correct. But what we have is a glass-half-full/glass-half-empty situation. The recorded levels of rates of death by suicide and homicide and rates of illegitimate births among white adolescents for the most immediate years available are now at or near the highest levels since we began keeping such statistics. It is probably true that these rates are also at the highest levels ever attained in American history—since 1607. In sum, we are faced with a critical question: should we emphasize that, measured by absolute numbers, there are now more healthy white American adolescents than ever before (which may be true), or should we be concerned that the rates of disorder among white American adolescents are now higher than ever before in our history (which is also probably true)? In this instance, I prefer taking on the role of Cassandra to that of Dr. Pangloss. Youth conduct has been deteriorating for over twenty years. The root causes will not be quickly corrected. We cannot afford to postpone effective concern much longer.

A second important issue raised by Mr. Adelson is the matter of the institutional and intellectual interests identified with the issue of youth alienation. Obviously, a number of "helping" groups and institutions—which are not in fact always so helpful—have used the youth issue partly to advance their own pet ideologies. Indeed, it is quite likely that some of the causes of the alienation we have identified are related to the very policies fostered by these groups. Mr. Adelson shares my healthy distaste for many of them and for their policies. As a result, he concludes his article by suggesting that youth alienation should be played down as an issue, since emphasizing it gives greater credence to logically unsound policies.

The problem is that if we . . . admit that youth policy is in a bad way, then we must also conclude something has to be done. In such a situation, the issue—like war—is too important to be left to our current "generals."

Contrary to Mr. Adelson, I—and my colleagues associated with *Character* magazine—do not see the choice as either denying the existence of a grave problem or leaving policy-shaping in the hands of the existing deficient agencies. We propose a third course: to devise new concepts and policies which recognize the problem, and to suggest corrective steps (typically relying on localized and decentralized measures) which bypass or even eliminate many existing agencies and policies.

EDWARD A. WYNNE
Editor, *Character*
Chicago, Illinois

TO THE EDITOR OF COMMENTARY:

One could not ask for a better explanation of what went wrong with the public schools than that of Joseph Adelson in "What Happened to the Schools."

I am disappointed only in that Mr. Adelson did not discuss and finally endorse a solution to the schools' declining performance: the introduction of a strong dose of competition in elementary and secondary education in the form of tuition-tax credits (made refundable for low-income parents).

A public-school teacher for the past decade, I am convinced there are teachers capable of extraordinary success with difficult student populations. I am also convinced that the successful methods and philosophies (and sheer effort) of these teachers will never be widely applied until there is competition in education. . . .

Introducing an element of genuine competition in education would spur the imitation of such success. The proposal for a $500 tuition-tax credit introduced recently by Senators Moynihan, Roth, and Packwood, moreover, forbids its use for schools that discriminate on the basis of race or origin.

Competition in elementary and secondary education brings risks, however. Some parents will fall for the sales pitch of charlatans of one kind or another (which is not to say that charlatans are not found within bureaucratic public-education monopolies). Charlatans, however, will not endure. A much greater risk is to tolerate an abysmal—at least as far as big-city schools—status quo. . . .

TOM SHUFORD
Roslyn Heights, New York

TO THE EDITOR OF COMMENTARY:

. . . On the basis of my forty years' experience in the New York City public high schools, which is probably representative of many other city school systems, may I substantiate some of Joseph Adelson's important points.

In the 40's and 50's the New York City high schools ranked among the very best in the nation. Today one can count on the fingers of one hand the number of high schools which may still be considered excellent. Thirty years ago, for example, almost every large high school had a dozen classes in physics; today, with the exception of the three special high schools, there aren't half-a-dozen physics classes in all the high schools of Manhattan and the Bronx combined. Without detailing the decline of each curriculum area, I will only examine what happened to the minimum requirements for an academic high-school diploma. During the 60's the . . . need to complete a three-year and a two-year sequence in foreign languages, science, and mathematics, as well as to pass a State Regents examination in social studies and in English, were all eliminated by the Board of Education. Finally, the academic diploma itself was abolished. . . .

In the matter of discipline, certain influences have helped erode the authority of the principal. Small groups of so-called "concerned" parents, usually acting in conjunction with the Civil Liberties Union, as well as a politicized and pusillanimous Board of Education and the ever-omniscient courts, combined to change the relationship between pupils and teachers from one of humane guidance to an adversarial, legalistic relationship. Schools with growing disciplinary problems found themselves overwhelmed. Often, after administrators filled out all the required lengthy reports and fulfilled all the involved procedural requirements, miscreants were sent back to the schools by a weak-kneed school superintendent or a judge. Since no notation of serious delinquences was permitted on permanent record cards, delinquents were to all intents and purposes free to start over again—on the same path. . . .

Not surprisingly, confidence in the New York City public-school system continues to decline and the private schools continue to burgeon.

LOUIS A. SCHUKER
Boca Raton, Florida

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Bad History?

TO THE EDITOR OF COMMENTARY:

In the December 1980 issue, in her otherwise valuable article ["Lies About the Holocaust"], Lucy S. Dawidowicz derides the decision of the Organization of American Historians to seek a historical refutation of the material in the *Journal of Historical Revision*, an issue of which was sent to the membership through the purchase of the organization's mailing list. The articles in the *Journal* called into question virtually everything usually taken to be true about the Holocaust, including its historicity.

Ordinarily, bad historical writing like that contained in the *Journal of Historical Revision* would not be worthy of notice, much less serious refutation. But this case was not ordinary. The *Journal* was brought to the attention of thousands of persons, some of whom were not historians or necessarily informed on the subject. Many recipients were libraries, with the consequence that the *Journal* might well find its way on to open shelves and public reading. Under such circumstances it is very likely that the views and arguments contained in the *Journal* would mislead and confound many people. Since the *Journal* purports to be history, it seemed to me that an obligation of an organization of historians was to show why it was bad history, and not simply to ignore or denounce it. After all, a primary function of a historical association is to educate the public—and one hopes, at least, even the authors in the *Journal of Historical Revision*—on the differences between sound and unsound history.

Mrs. Dawidowicz's contention that the *Journal* should have been denounced as anti-Semitic and neo-Nazi propaganda and therefore otherwise ignored troubles me. Once historians begin to look into the motives behind historical research and writing we endanger the whole enterprise in which historians are engaged. Too much of what we accept as valid history today began as revisionism motivated by partisanship or self-interest for us to rule out historical views because we do not like the motives behind them. In this particular case, to be sure, it is most unlikely, given the quality of the work in the *Journal of Historical Revision*, that we will learn anything about the history of the Holocaust. But it is certainly conceivable that other researchers in the future with the same motives, but with greater historical skills may well come up with new information or interpretations that we will all find useful. In at least two places Mrs. Dawidowicz contends the issue would be treated differently if slavery were the historical example. I would point out that the work of the Southern historian U.B. Phillips on the history of slavery is still considered useful in a number of ways, even though he believed blacks were inferior to whites. The point is that we must examine historical evidence and arguments regardless of the motives that might lie behind them, if we are to be true to our search for historical truth. It is those whose motives most repel and threaten us who provide the most convincing measure of our commitment to the principle of free historical inquiry.

CARL N. DEGLER
Stanford University
Stanford, California

LUCY S. DAWIDOWICZ writes:

If I were teaching a course in historical method, I would use Carl N. Degler's letter to illustrate some of the deplorable lapses that undermine history as an academic discipline. To begin with, he is wrong on the name of the anti-Semitic publication which denies that the European Jews were murdered during World War II (its correct name is *Journal of Historical Review*). But let's not be pedantic.

More serious by any standard of critical history is Mr. Degler's persistent reference to this publication as if it were indeed a real revisionist historical journal. It is nothing of the kind, being only anti-Semitic propaganda disguised to look like a learned journal. I would have expected any reasonably literate person to see the difference. I am aware that Mr. Degler is an Americanist and that he might perhaps invoke the defense of specialization: his field is not World War II and the murder of the European Jews. Still, if I read something that claimed slavery never existed in the United States and that the blacks have an interest in inventing its existence, I'd know I was reading vicious propaganda. Mr. Degler's reference to U.B. Phillips is an inapt and absurd analogy. Would he consider Arthur Butz, the electrical engineer who denies the historicity of the Holocaust, as the equivalent of Phillips?

Even more dismaying than Mr. Degler's failure to recognize anti-Semitic propaganda is his inability to distinguish it from bad history. A bad historian, I would concede in a burst of generosity, is David Irving, for instance, who suppresses evidence and distorts sources that conflict with his prejudices and prejudgments. Still, what Irving does may be considered history, notwithstanding its perversity. But the cohort of anti-Semites which the Liberty Lobby assembled in its grandiosely titled Institute of Historical Review cannot, even with an excess of grace, be regarded as historians. Their scribblings are only the irrational effusions of bigots with a morbid hatred of Jews.

Historians are presumably trained to detect the deceptive, the dishonest, and the counterfeit. Alas that Mr. Degler and the Organization of American Historians, of which he is a past president, cannot do that. Instead they engage in a travesty of historical scholarship by describing anti-Semitic ravings as "bad history."

The Europeanist historians in the United States are, happily, more competent. What is more to the point, they are also more courageous. The subscription list of the *Journal of Modern History* had been bought by Liberty Lobby and used to spread its anti-Semitic lies. But the editors of this journal, unlike the officers of the OAH, had no trouble distinguishing anti-Semitic propaganda from history. Here is the letter of apology they sent to their readers:

> Through an unfortunate series of events, an anti-Semitic hate organization in California obtained the mailing lists of the *Journal of Modern History*. . . . We categorically repudiate and condemn the propaganda issued by this organization and regret that the *Journal*, its readership, and the academic discipline at large were abused in this thoroughly scurrilous manner.

Music Critics

TO THE EDITOR OF COMMENTARY:

When one disagrees with a music critic, sometimes to the point of irritation, one is tempted to think: he should try composing, conducting, playing that. Samuel Lipman is the exception—he is the only full-time critic who is also a performer; thus he deserves extra attention, whether one agrees with him or not.

HANS WURMAN
Chicago, Illinois

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McCarthyism

TO THE EDITOR OF COMMENTARY:

It was distressing to read Eric M. Breindel's article, "The Communists & the Committees" [January]. COMMENTARY should be used for purposes of enlightenment and not as a forum for reviving and justifying the anti-Communist hysteria which swept the country and destroyed thousands of lives and jeopardized our basic freedoms during the period of McCarthyism. To attack the victims of McCarthy . . . in the new decade, when the passage of time and the lessons of history have finally healed some of the wounds of past excesses, is a new crime against humanity. . . .

It is shocking to find someone teaching a course on McCarthyism at Harvard University whose words and writings reflect his acceptance of the basic spirit of McCarthyism. There are, alas, many anti-Communist intellectuals who criticized the late Senator McCarthy, not for his attacks on Communists but only for including countless numbers of non-Communists in his definition of "Communist"—for example, including Presidents Roosevelt, Truman, and Eisenhower in his statement about "Twenty Years of Treason." Those anti-Communists were fighting a serious evil, but that was merely an inevitable extension of the primary, fundamental evil which they failed to understand.

The basic, undemocratic, un-American evil was not the false charge that those who did not see things McCarthy's way were Communists or dupes. The basic evil was the inference that Communists were non-people, inhuman, traitors, or enemy agents. In a democratic society, free thought and free speech and fundamental liberties are respected; dissent and criticism must be welcomed. Be they Republicans or Communists, supporters of Marxism or capitalism, geneticists or behaviorists, all should be free to think and to speak without fear of being branded un-American. Once that brand is placed on any group, all who share any of their beliefs lose a portion of their own freedoms. Criticism of Communists and all groups should be welcomed; the false charge of "enemy" or "betrayer" is what must be repudiated.

The concept that the Communist is less loyal than the conservative or Republican or Democrat is the basic evil. McCarthy and Nixon, HUAC and the FBI pinned the tag "disloyal" or "traitor" on the American Communists, and soon this tag was extended to include those who shared some of the policies and programs advocated by the Communist party. Support the fight for equal rights, the struggle for jobs and welfare and social security, the minimum-wage laws and rent control laws, and you are suspect! Oppose the wars in Vietnam and Korea, oppose the appeasement policies of Neville Chamberlain, oppose the huge military budget, war against the "military-industrial complex," as did President Eisenhower, and you are suspect! . . .

Mr. Breindel disbelieves Lillian Hellman, Vivian Gornick, Jessica Mitford, and others who speak knowledgeably about the Communists as good and sincere and dedicated individuals who may well have been foolish or misguided. . . . To Mr. Breindel, however, Communism is evil incarnate, and no proof or discussion is needed. A Communist? Guilty, whatever is charged.

Let us examine how blind anti-Communism enslaves Mr. Breindel's judgment in connection with the Rosenberg case: he writes that the Rosenbergs' attorney "essentially conceded their party ties in his trial summation." Aside from the falsity of his statement, it totally negates his thesis that "*contemporary* defenders of the Rosenbergs should find it effective to acknowledge what was for so long deliberately obfuscated. . . ." The major vindication organization, the National Committee to Reopen the Rosenberg Case (NCRRC), has never suggested, as implied by Mr. Breindel, that Julius and Ethel Rosenberg lied about their party ties in a series of loyalty oaths and other security-related inquiries.

Perhaps Mr. Breindel is privy to some secret information tying Ethel Rosenberg to loyalty oaths and security inquiries? If so, he ought to offer his proof, instead of seeming to justify her conviction and electrocution. If he actually opposed her execution (because of the dearth of evidence against her or the unprecedented nature of the sentence), then why is he defaming the victim instead of Judges Kaufman and Vinson and Jackson, and Roy Cohn and President Eisenhower who played their tarnished roles in the electrocutions?

Mr. Breindel is clever, always leaving doors open so he may deny the inevitable contradictions in his article. His article doesn't say he considers the Rosenbergs guilty as charged, yet that is the inevitable inference. He must know that the convictions rested on the uncorroborated testimony of the Greenglasses, brother and sister-in-law of Ethel Rosenberg, who purchased leniency and freedom with their unsupported testimony. He must be aware that positive proof of the Greenglasses' trial perjuries exists, so he does not say anything about such perjuries or Rosenberg guilt. That they were Communists seems clear to him, and such "guilt" seems enough to satisfy him. It's as though he considers it a mere quibble whether they were also guilty of spying.

Mr. Breindel attributes to Rosenberg activists the supposedly incredible thoughts that the FBI, Nixon, and HUAC had conjured up an "atomic hoax." Is he really unaware that the "incredible" is the fact? He must know that the death sentences were founded on the supposed transmission of "the secret of the atom bomb." But atomic scientists have completely repudiated this as a myth of the hysterical period. They have pointed out that there is no "secret" of the atom bomb, just as there is no secret of the law of gravity. Less than one year after the execution of the Rosenbergs, the New York *Times* quoted the Atomic Energy Commission's spokesman, James Beckerly: "Atom bombs and hydrogen bombs are not matters that can be stolen and transmitted in the form of information" (March 17, 1954). "Thus the Rosenberg-Sobell case, J. Edgar Hoover's "Case of the Century," was a giant nuclear hoax!

Mr. Breindel faced a real dilemma in dealing with Victor Navasky's book, *Naming Names*. It seems that all or most of the "unfriendly witnesses" before HUAC refused to betray their friends and associates, though it meant loss of security, money, and employment. These, for the most part, he considers Communists or sympathizers. The ex-Communists and the other "friendly witnesses" saved their jobs by betraying long-time friends. Were the Communists more ethical? No, is his reasoned reply. He says they acted as ordered by the Communist party to carry out party objectives. That such action appeared to be more honorable, or

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a more vigorous defense of the Bill of Rights, was purely coincidental. . . .

There are exceptions, Mr. Breindel admits, but when you find a Communist behaving decently, or morally, or ethically, it must be because of party instructions, masking some nefarious purpose

AARON KATZ

Brooklyn, New York

TO THE EDITOR OF COMMENTARY:

Eric M. Breindel's article, written by one who teaches about McCarthyism, has all the evils of that "ism." Because it not-too-subtly implies the guilt of the Rosenbergs and the supposed deviousness of their defenders, implying the guilt of all Communists, we of the Rosenberg family, the brother and sisters of Julius Rosenberg, have written this letter. We are distressed that long after the unfairness of the trial has been established, and proof of the perjuries of the chief prosecution witnesses has been confirmed by the FBI files released under the Freedom of Information Act, COMMENTARY continues to allow references to Rosenberg "guilt" to go unchallenged.

The trial of Julius and Ethel Rosenberg took place during the war in Korea, when McCarthyism was at its height and "Communism" was a frightening word. Linking Communism with espionage was Judge Kaufman's aim; every time he spoke, he used the word "Communism." . . .

Every constitutional right was taken away from Julius and Ethel Rosenberg. They were incarcerated for eight months (on impossible bail) before the trial, not knowing how to prepare their defense because they received no specifics about the charges. Prior to the trial, the FBI used the New York *Post* (and the rest of the media) to publicize its version of the story. The headlines read "Atomic Spies" —these terrifying words inflamed the public against Julius and Ethel unjustly. . . .

Max Elitcher, the first witness, was a former classmate of Julius Rosenberg and Morton Sobell. Unlike Sobell, Elitcher allowed himself to become a false witness for the government. Defense attorneys, under cross-examination, made him admit that he had falsely signed a non-Communist affidavit while working for the Navy Ordnance Department. He faced perjury charges at the very least if he did not testify according to the prosecution's desires. Other witnesses followed, all subject to the same duress!

When both David and Ruth Greenglass were testifying (falsely, as the FBI files now reveal), two FBI men sat in front of them, encouraging them to do a good job with their studied and rehearsed testimony. . . .

David Greenglass testified that an expensive console table with a hole in the bottom to be used for microfilming purposes was given as a gift to Julius Rosenberg from the Russians. Unfortunately, Julius stood alone in the courtroom, without his family. His mother was ill, and his brother and sisters were too frightened to attend the trial. Our sister Ethel [Goldberg Appel] first learned about the console-table testimony long after the trial and sentencing. (She recalls the youthful, pale face of Julius on her first visit to him after the trial. He protested bitterly, "For possession of a typewriter Ethel received death!" David Greenglass had testified that Ethel did the typing of the atom-bomb secrets, though not a single letter or document was shown in evidence.) It was at this visit that we learned about David Greenglass's false testimony about the console table. The defense did not know that the console table was the only piece of furniture worth saving when the furnishings of the apartment were sold to a junk dealer; it was the only new piece of furniture Julius and Ethel had ever bought.

The table was promptly located; it had no hole on the bottom for microfilming, as Greenglass had testified; the chalk marks underneath, later verified by a Macy's salesman, confirmed that it was bought at Macy's for $22, as Julius had testified. This strong evidence of David Greenglass's perjury, after our sister signed an affidavit giving the true facts about the console table, was denied review by Judge Kaufman and the Appeals Court. Files later showed that Judge Kaufman interfered improperly with the appeal.

We are constantly haunted by the strange behavior of Judge Kaufman. Our mother, Sophie, and sister Ethel attended the judicial clemency appeal by defense attorney Emanuel Bloch. In denying clemency, Judge Kaufman spoke with intense anger; his little round face was a fiery red and his small body rose to the high tip of the chair upon which he was seated.

A final appeal by the Rosenberg family took place in the judge's chamber. We entered a large room. Judge Kaufman was seated at his desk in the center of the room, four seats were placed at the left side of the judge for our mother, our brother, and two sisters. After we were seated, in marched prosecutors, assistants, FBI men, all involved in the prosecution. Emanuel Bloch did not attend, but he stressed that we should not discuss any legal questions since this was a clemency hearing. Mother spoke first; she stood up and firmly and loudly said, looking toward Judge Kaufman, "I want to see your face; don't spill innocent blood and make orphans of their two young sons; Ethel and Julius are innocent." In a trembling voice, Ethel read the letter she had sent to President Truman appealing for the lives of Julius and Ethel. One line, praised by Julius affectionately and proudly, went as follows: "Is it customary for the courts to protect the guilty and kill the innocent?" This sentence had no meaning to Judge Kaufman, but when read to Eleanor Roosevelt she opened her eyes wide.

We, the Rosenberg family, are proud of being related to two outstanding Americans who strongly defended rights guaranteed by the Constitution of the United States, rights which were denied them. They wanted very much to live, but gave their young lives because they were innocent. They were unjustly tried and convicted for a crime they never committed.

THE ROSENBERG FAMILY,
DAVE, LENA, AND ETHEL

Bronx, New York

TO THE EDITOR OF COMMENTARY:

Eric M. Breindel emphasizes that the Rosenbergs went to great lengths to conceal their Communist party affiliation. Yet such concealment pales when compared with the conduct of the prosecution and of the FBI in the Rosenberg-Sobell trial based on charges of conspiracy to commit espionage.

What Mr. Breindel calls the "considerable literature produced by Rosenberg activists" was in fact devoted to analyzing the trial evidence and the new evidence uncovered after the trial. Nobel scientist and Rosenberg activist Harold C. Urey wrote an analysis with which Albert Einstein concurred. Dr. Urey wrote that the Rosenbergs'

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conviction hinged on the word of the self-confessed unsentenced accomplices David and Ruth Greenglass versus the word of Julius and Ethel Rosenberg; that he found the Rosenbergs more believable than the Greenglasses; that the testimony of key witness Harry Gold was unbelievable; that the testimony of the only espionage witness (Max Elitcher) against Morton Sobell was improbable. In a later expanded analysis he wrote that the new-evidence motion of June 1953 confirmed the Rosenbergs' testimony, showed the Greenglasses' perjury, and confirmed his conviction that the Rosenbergs were not guilty. That motion was initiated, argued, considered, and a new hearing denied in District Court, in the Court of Appeals, and in the Supreme Court over a total of ten days, weekends included.

FBI files which I have read show that the FBI knew from pretrial documents . . . that Harry Gold had invented a succession of fictitious spies and meetings. Why did the prosecution use this pathological liar as a third key witness? Why have major parts of the record been destroyed? To be specific: four months after the trial, before the first appeal of the double death sentence, the FBI disposed of the one paper that supposedly supported the crucial atom-bomb-rendezvous testimony of key witnesses Gold and Greenglass. FBI notes of their interviews with Greenglass before his confession have been destroyed. The FBI interrogated Greenglass twice about uranium theft at Los Alamos, New Mexico. At the trial he falsely denied such interrogations. The entire New Mexico U.S. Attorney's file on Greenglass was destroyed in 1969.

The following disclosures from released FBI files . . . [show that] on February 8, 1951 there was a secret meeting of the Joint Congressional Committee on Atomic Energy in which the Rosenberg prosecutions were discussed. . . . At the meeting Assistant U.S. Attorney Miles Lane told the committee that "the case is not too strong against Mrs. Rosenberg. But for the purpose of acting as a deterrent I think it is very important that she be convicted too, and given a stiff sentence." Soon after, just ten days before trial, the case against Ethel was strengthened considerably: the Greenglasses now recalled that Ethel had typed atom-bomb data.

Dr. Urey had been listed on the prosecution's witness list, along with Robert Oppenheimer and many others who were never called. He was never contacted by the prosecution or called as a witness. At a dinner in his honor given by the Chicago Sobell Committee on February 12, 1955 he stated: ". . . My concern with this trial has stemmed more from a belief that the integrity of justice, as it is administered in the United States, is at stake. If proper trials cannot be secured for unpopular people—and it is evident from the publicity of this trial that all those charged with crimes were unpopular—then it will become impossible to secure justice for other, somewhat less unpopular people and so on until no justice is possible at all. . . ."

I hope that both Eric M. Breindel and your influential journal will focus on this ethical issue posed by the Rosenberg-Sobell prosecution instead of on the diversionary questions of open versus concealed Communist affiliations.

MURIEL GOODMAN GOLDRING
Brooklyn, New York

ERIC M. BREINDEL writes:

Aaron Katz raises two factual points:

1. He comments on the "falsity" of my assertion that the Rosenbergs' attorney "essentially conceded their party ties in his trial summation." I refer him to the following passage from Emanuel Bloch's summation to the jury on behalf of Julius and Ethel Rosenberg: "If you want to convict these defendants because you think they are Communists and you don't like Communism and you don't like any member of the Communist party, then I can sit down now and there is no further use in my talking." My interpretation of Bloch's remarks reflects my sense of the jury's likely interpretation of these remarks, as well as my sense of how Bloch himself intended his words to be understood.

2. As for the question of "loyalty oaths," Julius Rosenberg was dismissed from the Signal Corps in 1945 on grounds that he had lied in a statement he signed upon entering the Corps denying present or past Communist party membership. The United States government

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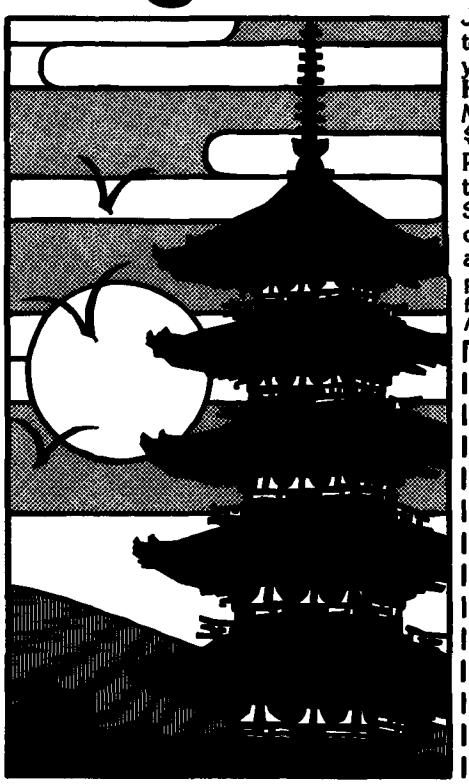

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maintained Rosenberg had, in fact, belonged to the Communist party (as a member of Branch 16B of the party's Industrial Division, and later as a member of the Eastern Club of the First Assembly District). At the time of his dismissal from the Signal Corps, Rosenberg vigorously denied these charges. He presented another signed declaration, attested to under oath, in which he asserted that he had never been a Communist party member or a "Communist sympathizer." Ethel Rosenberg helped her husband prepare and type this reinstatement appeal. Both Rosenbergs invoked the privilege against self-incrimination when asked during their trial if the 1945 declaration was true. Thus my comments on their initial vulnerability.

Aside from these issues, there is little in Mr. Katz's letter, or in the letters from the Rosenberg family and Muriel Goldring, that requires a response from me. Insofar as I labeled the Smith Act and the subsequent McCarthy-period congressional inquiries ". . . an abrogation of fundamental constitutional rights," it is difficult to fathom how Mr. Katz, or, for that matter, anyone with elementary reading-comprehension skills, could conclude that I accept ". . . the basic premises of McCarthyism." I remain, likewise, unenlightened as to why the Rosenberg family feels that my article contains ". . . all the evils of that 'ism.' " My guess is that the article simply provided an occasion for defenders of the Rosenbergs to rehearse their version of the history of that case—despite the fact that the validity of the verdict is not in any way an issue addressed in the article. A critique of Communist conduct like the one I offered would need to be willfully misread to give rise to the inference that it endorses McCarthy and his allies. Similarly, the fact that I identified hypocrisy and dishonesty as having informed the behavior of most Communists, fellow travelers, and apologists during the period in question does not mean that I regard Communists as "non-people, inhuman . . . ," notwithstanding Mr. Katz's charges.

The purpose of such accusations, in my view, is to promote a climate in which negative commentary on the conduct of American Communists is taboo. Mr. Katz's letter is testimony to the fact that it remains impossible simply to identify a Communist as such, and to point out what this circumstance implies, without running the risk of being slandered—an ironic legacy of the McCarthy period.

A final note regarding Mr. Katz: anyone who deems it appropriate to term a magazine article—any article—a "new crime against humanity" has probably simply lost all control of an original propensity toward wild hyperbole. This may explain the rest of his letter. Alternatively, it may be supposed that one given to such a view of what constitutes a crime against humanity has had the benefit of an unusually tranquil and sheltered existence.

The New Wave

TO THE EDITOR OF COMMENTARY:

Richard Grenier's article on the French New Wave ["The Aging of the New Wave," February] is, quite simply, the best piece of film criticism I have seen. Ironically, just as I had finished reading it, the newspaper and television reviews of *The Last Metro* started appearing—almost all with the same superpositive view of the film. In the face of this run-with-the-pack psychology, I do hope that Mr. Grenier's article is widely read.

A. JAMES RUDIN

New York City

America & Iran

TO THE EDITOR OF COMMENTARY:

Joseph W. Bishop, Jr. ["Carter's Last Capitulation," March] disputes the description of the militants as "students," as "super-Muslims." Having met with the leaders of the students inside the embassy in March of last year, and having recently received a letter from one of the former hostages (John Limbert), I can assure you that the dominant consciousness inside the embassy was Islamic, and that, furthermore, these were in fact students. Mr. Bishop, motivated as he is by a compulsive hatred of anything that asks the United States for an accounting of its actions (for instance, the illegal overthrow of the Prime Minister of Iran in 1953, the training of SAVAK, the admission of the Shah into the United States against the express wishes of a whole nation), must perforce insinuate that the motives of the students were not those they professed; i.e., that they were instruments of the Soviet Union (which is why, he claims, they did not invade the Soviet embassy).

Mr. Bishop then alleges that "Kidnapping diplomats and holding them hostage by authority of the host state's government was something new, never done *even by Hitler or Stalin*. It is hard to imagine a more flagrant violation of the law of nations" (emphasis added). . . .

It is precisely because Hitler could honor this international law and yet systematically work for the destruction of all Jews that proclaims the purely arbitrary character of such a law; the inviolability of a diplomatic agent does not in and of itself constitute something sacred; this, as any other law, must be understood always within a context. . . .

I submit that under cover of diplomatic immunity far worse crimes can be committed . . . than the seizing of diplomatic personnel. If the Soviet Union had somehow managed to interfere with the democratic process in the United States and put into power someone hated by the American people; then, when that dictator had been expelled, the Soviet Union welcomed him into its country—over the cries of the Amercian people, who had paid the price of 75,000 martyrs; and then a group of revolutionary students had seized Soviet diplomats within the United States suspected of plotting yet another coup d'état—would the American people feel there could be "a more flagrant violation of the law of nations"?

The crimes under consideration here are not restricted to those of the students (that they committed an outrageous act against international law is uncontested; it was precisely this disregard for such laws that created the powerful reaction it did: Hitler murdering Jews—that is one thing, but seizing hostages? Not even the Fuehrer himself would stoop to such a crime). The crimes committed—and the only really significant moral question (once we have put aside the legalistic one)—pertain to both parties: in the sum total of events since the intervention of the United States in 1953, was there any justification for the Muslim students to commit yet another crime, to add to those already adumbrated here?

Rightly or wrongly, the students perceived the United States as plotting to destroy the revolution for which thousands had given their lives. They also were convinced that this act would boldly proclaim to the world the limits they would go to demonstrate the intensity of their

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feeling. And in the Quran, filled as it is with the exhortation to fight against evil and resist oppression, the students sensed some intuitive and Allah-blessed justification for their act.

As a precedent, the seizing of diplomats augurs badly for the future of international relations; but the uniqueness of the circumstance and psychology of this event must be thoroughly understood, especially by those persons and groups now perceiving the menace to the world as Soviet totalitarianism. Mr. Bishop is not likely to pay much attention to the historical record of Shi'a Islam, with its succession of martyrs, its ritualistic view of reality; nor is he likely to want to understand the difference between a "monstrous crime" commited in the name of Marxist-Leninism and one commited in the name of Allah. But the difference might be worth contemplating by readers of COMMENTARY, for the magazine, in its honorable and brilliantly positioned argument against liberalism and the Left, has utterly ignored a mythopoeic instinct (like the Ayatollah's Islam) which, while fervently anti-Communist, ends up quarreling with American foreign policy with an even greater intensity than with the Politburo. . . .

ROBIN WOODSWORTH CARLSEN
Victoria, British Columbia

JOSEPH W. BISHOP, JR. writes:

There really is not much to say in reply to Robin Woodsworth Carlsen's rather silly letter, because it has very little to do with my article. I merely expressed doubt that all of the terrorists were what they said they were—I didn't claim to *know* what they were—and I find nothing in Mr. Carlsen's diatribe to dissipate that doubt. As for their status as students, Mr. Carlsen doesn't explain how they found time to attend classes or take examinations.

I certainly neither expressed nor felt any "compulsive hatred of anything that asks the United States for an accounting of its actions" in Iran or anywhere else. I don't claim to have any hard information on that subject and I very much doubt that Mr. Carlsen has much either. Whatever the United States may or may not have done could not excuse what the government of Iran did. If it really believed that embassy personnel were spies and counterrevolutionaries the obvious and proper remedy was to expel them. Nor do I perceive what "the historical record of Shi'a Islam" has to do with the case.

Neither COMMENTARY nor I have ever had a good word for Hitler. But he too has nothing to do with the case. The fact that his outrages were on a far larger scale does not excuse the Iranian outrage. Mr. Carlsen's argument is essentially that kidnapping should not be condemned because so many murders have been committed.

The hypothetical tale about Soviet diplomats seems equally irrelevant, for the simple reason that Mr. Carlsen's hypothetical American revolutionary students would not be agents of the government of the United States, but simply terrorists. (Terrorists may sometimes have just causes, but that does not make diplomats, any more than schoolchildren, fair targets.)

The main thrust of my piece was to condemn the Carter administration for capitulating to terrorism. Mr. Carlsen apparently has no ideas about this important issue. But his mental processes are so muddled and emotional that there seems no point in arguing with him.

Maimonides & Kant

TO THE EDITOR OF COMMENTARY:

Hyam Maccoby's "Maimonides Then and Now" [January] is a further example of his considerable learning, literary and analytic abilities, and his general sense of fairness and civility (alas, so often absent in current Jewish scholarship), which I have come so thoroughly to appreciate in his COMMENTARY articles.

I would like to take issue with Mr. Maccoby on one point, however (I hope with his same sense of fairness and civility). In questioning the current relevance of Maimonides' metaphysically grounded theology, he introduces the towering modern philosopher, Immanuel Kant. For Kant, as is well known, ethics is philosophically prior to metaphysics. Mr. Maccoby seems to approve of the fact that "Kant's message was seized on by modern Jewish thinkers like Hermann Cohen as bearing out what Judaism had always stood for. . . ." Now there is no doubt that Kant has held the same powerful attraction for modern Jewish thinkers that Aristotle held for medieval Jewish thinkers. In fact, Hermann Cohen himself (and, following him, *mutatis mutandis*, Zvi Diesendruck, Samuel Atlas, and Steven S. Schwarzschild, among others) attempted to see this same priority of ethics over metaphysics in Maimonides' own departure from a strictly Aristotelian position. . . .

Nevertheless, we can question whether Judaism really accepts the primacy of ethics à la Kant. For Kant, ethics is primary because there is no more important relation than that which exists between *morally autonomous persons*, man being the only such person present in our experience. Morally autonomous man (*homo noumenon*) constitutes the "measure of all things," and even God, for Kant (and even for Hermann Cohen, despite gigantic efforts to move beyond Kant's theology), becomes a function of that relation seen in a cosmic context. It was precisely this inability to deal with a relationship with God as a real presence that led a Jewish thinker like Leo Baeck to abandon his youthful Kantianism, and which led the young Franz Rosenzweig to congratulate his older colleague, Martin Buber, for having freed 20th-century Jewish thought from Kantianism.

I would only suggest to Mr. Maccoby that the relevance of Kant for modern Jewish thought does not lie in his anti-metaphysical stance as much as in his treatment of the *a-priori* conditions of experience. By expanding Kant's notion of experience to include originally religious experience, modern Jewish thinkers can avoid the insoluble antinomy between morally autonomous man and covenantal man raised by Kant's ethical philosophy. In so doing, other aspects of Kant's thought can be much more helpful in explicating Jewish theology and even in explicating Maimonides' own great contribution to it.

[Rabbi] DAVID NOVAK
Congregation Beth El
Norfolk, Virginia

TO THE EDITOR OF COMMENTARY:

. . . It would have been useful for Hyam Maccoby to have pointed out that Maimonides chose as his subject in the *Mishneh Torah* the total body of all Jewish law, including criminal law and temple law, while Joseph Caro, whose codex was based both on Maimonides and on Jacob ben Asher, restricted himself to those categories of Jewish law which were still applicable in an exilic environment, to wit: marriage laws, observance of the holidays, food, and ritual, a

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distinction already foreshadowed in the composition of the Yerushalmi and the Babylonian Talmuds. This above all other considerations may be the prime reason why the *Shulhan Arukh* rather than the *Mishneh Torah* became normative, regardless of the wishes of their authors. Since the *Mishneh Torah* discusses broad categories of Jewish law for which no Babylonian Talmud had ever been composed, it was obviously necessary to rely on the Yerushalmi. In fact, Maimonides may have had available to him some tractates of the Yerushalmi which have since been lost.

Mr. Maccoby concludes his article by saying that "[Maimonides] wanted his *Mishneh Torah* to put an end to the era of independence of thought in halakhic matters and to act as the definitive solution of outstanding halakhic problems." As with so many other glib conclusions concerning the "real" intent of Maimonides, this is at best a questionable statement. A careful reading of his introduction to the *Mishneh Torah* and of his rulings in *Mamrim* seems to indicate that Maimonides believed that the "method of the Talmud" (*derekh ha-gemara*) was an open-ended process, and that the rulings of one court, even of the Great Sanhedrin, were not necessarily binding on any subsequent court. Maimonides presents a very detailed, albeit somewhat inaccurate history of the development of Jewish law, which he most certainly did not view as a closed body of revealed truth. To assume that he expected to bring this process to an end seems to underrate his understanding of the historical process involved.

A. Joseph Berlau
Hartsdale, New York

Hyam Maccoby writes:

I found David Novak's letter most interesting. It raises questions of such profoundity that I cannot hope to respond to it adequately in brief space. I would only say that it is by no means certain that Kant regarded God as merely an idea validating human morality. This is one *response* to Kant's work (found in Vaihinger, for example). Another response is to turn away from metaphysical proofs to the *experience* of God, as did Buber, Rosenzweig, and indeed Rabbi Novak himself, who are thus all neo-Kantians; and this seems to have been Kant's own final response, as found in his *Opus Postumum*. True, as Rabbi Novak suggests, such experience of God calls for a metaphysics to make it intelligible, but this metaphysical inquiry is not the primary path to the knowledge of God, as in the metaphysics of Maimonides. The basic experience of Judaism is the meeting with God in the Covenant, a relationship in which man is allowed to retain his moral autonomy. The relevance of Kant's "moral primacy" to this experience is so striking that it was natural that Kant should be adopted as "the Jewish philosopher."

A. Joseph Berlau argues that the more restricted range of Caro's compendium made it more suitable for practical use than the *Mishneh Torah*. But the comprehensive range of Maimonides' work is itself an aspect of Maimonides' philosophical universalism, as Isadore Twersky has well argued in the book I discussed in my article, *Introduction to the Code of Maimonides*. That Caro's work, the *Shulhan Arukh*, was accepted as definitive was a defeat for this universalism, and an endorsement of the narrow perspective of exile.

Maimonides' high valuation of the Yerushalmi is not confined to treatises on which there is no Babylonian Talmud. He quite frequently rules in accordance with the Yerushalmi *against* the Bavli (e.g., he overturns the well-known but artificial Bavli commentary on Mishnah Berakhot 8:2 in the light of Yerushalmi Hagigah 3:1; see his *Introduction to Mishnah Toharot*).

Mr. Berlau dismisses as "glib" my conclusion that Maimonides wished to curtail discussion of halakhic matters. It seems that Mr. Berlau does not appreciate the full audacity of Maimonides' declaration in his introduction to the *Mishneh Torah*: ". . . so that no other work should be needed for ascertaining any of the laws of Israel, but that this work might serve as a compendium of the entire Oral Law.... I have entitled this work *Mishneh Torah*, for the reason that a person who first reads the Written Law and then this compilation will know from it the whole of the Oral Law, without having occasion to consult any other book between them."

When Mr. Berlau says that Maimonides believed "that the rulings of one court, even of the Great Sanhedrin, were not necessarily binding on any subsequent court," he is certainly overestimating Maimonides' belief in "open-ended process." For Maimonides says explicitly that no court of the post-talmudic era may overturn the ruling of a court of the talmudic era, because "all the customs, decrees, and institutions mentioned in the Talmud received the assent of all Israel." Moreover, as regards the Talmud itself, Maimonides undoubtedly subscribed to the dogma that no court of the Amoraic era could overturn the ruling of a court of the Tannaitic era. Since such watertight eras existed in the history of the Halakhah, in Maimonides' view, there was no reason in principle why an era should not have been closed by his own *Mishneh Torah*. As for the passage in *Mamrim*, on which Mr. Berlau seems to be relying because it omits mention of the doctrine of watertight eras, see the commentary of *Kesef Mishneh*.

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Mexico & Other Dominoes

Carlos Rangel

IN THE debate now raging in the U.S. over the Reagan administration's new policy toward Marxist gains in Nicaragua and El Salvador, and also toward Cuba's role in the matter, much is made of Mexico's position by North American supporters of Marxist movements in Latin America. This is a small group, but disproportonately influential since many of its members pass for experts on Latin American affairs, having taken an intense interest in the region over the last two decades.

Their argument is simple: Mexico knows much more about Central America and the Caribbean than we do; Mexico is much nearer the action than we are; and not only is Mexico not worried, it is actually sympathetic to the Nicaraguan and Salvadoran revolutions. This "proves" that in those countries the United States is not confronted by any Communist threat that would pose a strategic danger. What we have there is a struggle, admirable besides, of nationalist revolutionaries trying to free their peoples from U.S.-supported tyrannies: something, in other words, like what happened in Mexico starting in 1910, with which the United States has lived not unhappily ever since.

I will begin by pointing out that the whole argument can easily be reversed. The Cuban government is without question one of the nastiest at home and most aggressive abroad of all Communist regimes. On both fronts it is entirely subservient to the Soviet Union, which holds it on the tight leash of several literal lifelines. Its hand forced by overwhelming evidence, this regime has practically ceased to claim that Communism has improved the lot of the Cuban people. Now it says that improvements will have to wait upon the destruction of the last remnants of capitalism and the worldwide triumph of Communism. This is how it defends sending Cuba's young men to do the Soviet Union's dirty work in Africa and Asia, priding itself on being the spearhead of a world Communist revolution against the West, and most especially the United States. Yet for all this, the regime in Havana has steadily enjoyed Mexico's support. Four consecutive Mexican presidents, different in many other respects, have followed this policy and have maintained it even after it could no longer be rationalized as a show of sympathy for a young, idealistic, nationalist revolution.

So much, then, for the foolish contention that Mexico's apparent good will toward the Nicaraguan and Salvadoran revolutionaries somehow proves that these are strictly local reformers without any decisive links with the forces which, with a home base in the Soviet Union and a forward position in Cuba, have the well-advertised and unrenounceable goal of destroying the West.

It may be rejoined that if Mexico's apparent sympathy for the Salvadoran guerrillas does not prove that they are not Communist-inspired and dominated, neither does it prove that they are so inspired and dominated, or that their eventual victory would lead to the establishment in El Salvador of a regime like the one in Cuba.

Indeed it does not, but for that no equivocal Mexican touchstone is needed. There is plenty of hard direct evidence that what has been happening in Central America cannot be explained in any other way. This evidence plainly points to a well-conceived plan, heir to Fidel Castro's and Che Guevara's grandiose scheme of the 60's which produced the first wave of Cuban intervention in countries as diverse as Venezuela, Bolivia (where Che Guevara died), and Chile (where at one point during Allende's government the Cuban embassy had more personnel than the Chilean foreign ministry). Castro's 60's adventures also produced an explosion of enthusiasm among left-wing intellectuals in Europe and the U.S. for what Régis Debray called (with reference to China) the "new long march" that was supposed to have started in Havana and would cover the hemisphere. As it turned out, the crop consisted mainly of North American left-wing academics, specialists in one or another of the social sciences or literature, who to this day have remained *fidelistas* (more or less) and who from their position in the universities contribute disproportionately to the formation of public opinion and even to the actual shaping of policy toward Latin America.

CARLOS RANGEL, here making his first appearance in COMMENTARY, is a Venezuelan writer, editor, and television commentator. He is the author of *The Latin Americans*, which has appeared in Spanish, Portuguese, French, Italian, and English editions.

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This time, however, the field of battle has been better chosen and the battle plan is being carried out with vastly greater means, not only foreign arms and foreign-trained combatants but a barrage of misinformation on a worldwide scale that is, in a way, the chief weapon of this contest.

For instance, the Reagan administration is criticized for attributing undue importance to El Salvador ("a small faraway country of which we know nothing," as Neville Chamberlain called Czechoslovakia) by the same people who did not think it strange that in the first days of January, before Ronald Reagan had even taken office, the world press was being led by the nose with strident reports, duly published on all the front pages, of the Salvadoran Marxist rebels' "final offensive" against a "fascist" junta guilty of "genocide" against the Salvadoran people. If El Salvador was so important then, why should it suddenly shrink into a little backwater war, unworthy of the attention of the United States?

It so happens that, as is now well known (though perhaps already half forgotten), the "final offensive," armed to the teeth by the Russians through Cuba and Nicaragua, failed because it conspicuously lacked popular support. It could not achieve its aim, which was to present the new Reagan administration with a *fait accompli*. Therefore what has followed is a shrewd attempt to demobilize opinion in the United States (and everywhere else) on the issue of the civil war itself, while taking up a different tune, appropriate for the new turn of events: the association of any possible American actions in El Salvador with Vietnam.

It is also significant that the so-called "domino theory," which corresponds closely with actual Communist tactics in all cases where they have not yet achieved overwhelming superiority (Khrushchev called this process "salami tactics"), has been subjected through the years, and right now very intensely with reference to Central America, to a hail of derision. The purpose is to make anyone appear ridiculous and even paranoid who dares suggest that this is exactly what is now happening in that region, with Nicaragua as the first domino, and, it is hoped, a row of collapsible pieces going south toward Panama and the Colombian and Venezuelan rim of the Caribbean, and north toward Mexico.

Now there are very good reasons for debating the ways and means of United States policy in Central America and the Caribbean. The issue is thorny and anguishing. There is ample room for regrets and reproaches over how things were allowed to come to this crisis. It is sadly true that American policy was selfish, short-sighted, callous, lazy, and stupid in installing and supporting in this region client tyrants (like Trujillo and Somoza) with no thought for future consequences. But Communists and their sympathizers must not be allowed to use this sad truth to obscure the plain fact that we are in the presence of a deliberate and deadly threat to the Western Hemisphere in a region which Soviet strategists have evidently judged to be the soft underbelly of the Americas.

In Nicaragua the Sandinista Front, which started with the hoary but invariably effective Leninist tactic of a broad alliance of all "democratic" forces, has by now shown its true colors in a variety of ways. The victory of that alliance (and not of the Sandinista Front alone, as it is now made to appear) against Somoza was hailed the world over as a triumph of freedom. Specifically it was widely believed that Cuba, having steered carefully clear of the Nicaraguan revolution (which had all the help it needed from other sources), would not play a significant role in post-Somoza Nicaragua.

Yet within days of the Sandinistas acquiring full control, Cuba was invited in and virtually took over in areas like communications and mass education (the ideal vehicle for Marxist indoctrination). Cuba also took over the job of organizing the new police and training the new Nicaraguan armed forces. These forces are by now more than twice as large as Somoza's National Guard, and they are armed by the Soviet Union (through Cuba) in a way ominously reminiscent of Cuba's own Soviet-steered runaway increase in military capability in the 60's, even now being used for anything but defending Cuba.

The Sandinista Front (which, let us be clear, is the *nom de guerre* of the Nicaraguan Communist party) promised political pluralism. In practice it soon expelled from positions of power all non-Communist or non-pliable elements. Freedom of the press was steadily eroded, the political opposition relentlessly cornered, the promise to hold free elections put aside (elections, if and when they are held, will be a farce).

As for foreign affairs, Nicaragua was one of the few countries which refused to vote in the United Nations against the Soviet invasion of Afghanistan. Top Sandinista ideologist Bernardo Arce has gone on record against the Solidarity union in Poland. Fidel Castro was the hero in the distinctly Communist-style celebration of the first anniversary of the Nicaraguan revolution, and on the same occasion the Chinese were given the coolest treatment short of being asked to stay away. Until pressured by the new U.S. administration, Nicaragua served as a staging point for arms sent from as far away as Vietnam and Ethiopia, via Cuba, and destined to feed the Salvadoran civil war.

The cutting off of U.S. aid in April in the face of these outrages has served as a final pretext to "steer Left," which means abandoning all pretense of pluralism. Nicaragua is thus right on schedule: the Cuban revolution arrived at a comparable

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point in almost exactly the same time (mid-1960).

El Salvador, on the other hand, has so far refused to topple, although here no effort has been made to disguise the involvement of Cuba (and therefore Cuba's Soviet masters), and although a vast misinformation campaign has succeeded in crucifying the government as identical to or worse than Somoza's. Actually the Salvadoran government—a combination of military officers and the Christian Democratic party, the most influential in the country, and the one that won the only clean election held in El Salvador within memory—has been sincerely and strenuously attempting to implement far-reaching economic and social reforms, which a ferocious landed oligarchy is equally determined to block. If not for the assault from the extreme Left, the government might by now have succeeded and laid the ground for holding elections. As it is, with Marxist rebels and right-wing murder squads trying to outdo each other in terrorist exploits, the issue appears in doubt.

One thing, however, is certain: neither the people of El Salvador nor those of the Central American and Caribbean region would gain anything from the destruction of the present Salvadoran government. Its replacement by a Nicaraguan- or Cuban-type regime would probably be intolerable to the United States and might even lead to military intervention. The victory of the extreme Right (which is clearly the Left's second-best choice) would vindicate the Communist version of events in Central America. Very soon all distinctions between such a government and the present one would be blurred. The United States, which would be unable to avoid backing it, would be as compromised as by intervention. Either outcome would be of incalculable political cost to the United States, both abroad and at home. That, of course, is the key to the whole Communist thrust in Central America. But either outcome would also adversely affect the prospects for democracy in the whole Caribbean basin and the security and the internal political stability of the rest of Central America and of countries like Venezuela, Colombia, and, yes, Mexico.

This being the case, what explanation can there be for Mexico's indifference to Marxist gains in Central America; or, worse, sympathy and, at one point, nearly open support for the rebels in El Salvador? (At the time of the "final offensive," the Salvadoran guerrillas thought that if they could hold down a sizable chunk of territory with a few towns in it, Mexico would give them formal recognition as "belligerents.")

No doubt I will surprise some readers by stating that President López Portillo's aims in this region unquestionably coincide with those of the United States. Like the United States, the Mexican government wishes to slow down, and if possible to stop, Cuban and Soviet penetration in Central America.* The essential difference is, of course, that the Mexicans want to roll with the punches, or to pretend not to be in the fight, by showing sympathy and giving limited assistance to local protagonists of Communist penetration. This is rationalized on the grounds that the status quo in Central America is indefensible and undefendable. Governments like those of Nicaragua under Somoza—or right now El Salvador, Honduras, and Guatemala—will be swept away by the tide of history. To support them against left-wing subversion is hopeless. Better to try and establish ties with these revolutionaries and to encourage them to be independent of Havana and Moscow. Above all, political developments in Latin America, no matter how alarming, should in no case lead to intervention by the United States. Nonintervention (in principle by any country, but in practice mainly the U.S.) and self-determination were the main guidelines of Mexican foreign policy long before Tito made them mainstays of the nonaligned movement, and for the same reason: the uncomfortable proximity of a great power with a less than clean record on the matter.

This, then, is the position of the Mexican government. Then there is the party, the PRI, the Institutional Revolutionary party, Mexico's peculiar institution, broker of all power, vessel of all virtue, dispenser of all patronage. Being formally distinct from the government, the PRI has gone much further in the game of "anti-imperialism," which is the universal code word for a complex of anti-Western and anti-U.S. feelings and political attitudes that range from resentment, distrust, and animosity to mortal enmity and earnest long-range planning with the aim of overthrowing the West.

In recent years the PRI has made a determined effort to forge a network of relations with other "revolutionary" parties in Latin America, including many from which the quotation marks should be removed. At the end of 1979 the PRI convened in Oaxaca, in southern Mexico, a meeting at which were present not only Social Democratic parties, like Venezuela's AD, Peru's APRA, or the Dominican Republic's PRD, but also the Marxist-controlled "Liberation Fronts" whose aim is to overthrow the present regimes of El Salvador, Guatemala, and Honduras. On the other hand, Christian Democratic parties were firmly excluded, anti-clericalism being one of the shibboleths of Mexican revolutionary mythology. The fact that Salvadoran President José Napoleón Duarte and his party are Christian Democratic could well be (absurdly) one of the main reasons

*One strong proof: the unexpected agreement by President López Portillo to Venezuela's President Herrera Campín's proposal that both countries sell oil on a concessionary basis to Central American and Caribbean countries, including Nicaragua, but also El Salvador, and not Cuba.

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the Mexican government, and much more strongly the PRI, are unable to deal with them normally, as the eminently estimable democratic leader and party they are.

Be that as it may, the Mexican establishment finds it expedient to have the PRI, as distinct from the government, conduct close and even cuddly relations with political groups in other Latin American countries whose counterparts within Mexico itself are harshly repressed. And the fact that this seems unfriendly toward the United States is regarded not as a possible objection to such a course of action, but as one of its virtues. Crossing the North Americans, short of having a damaging clash with them, is the one safe and universally popular thing that a Mexican politician can do. And for this there are reasons that North Americans should understand.

Seen from Mexico, the United States appears as, in many ways, an admirable society, but also as a force that in the past badly mauled Mexico's body and spirit and that even in spite of itself continues to threaten Mexico, to overwhelm the remnants of its national identity, to block its path to true independence and autonomous development. To North Americans these fears may seem groundless or at least exaggerated. In fact, although some of Mexico's U.S.-inspired nightmares are not entirely rational (and all are diligently fed by Marxist propaganda), they have a solid basis and are derived from past experience or from current events.

The United States, writes Octavio Paz in his 1976 essay *"El espejo indiscreto"* ("The Uncomfortable Mirror"), seemed in Mexican eyes at the time of independence from Spain not a foreign power Mexicans should fear or oppose, but a model they ought to imitate. It was the beginning of a fascination that has never lost its intensity. The history of that fascination is, substantially, the history of political ideas in Mexico. All Mexican political and social projects, all the reforms that were supposed to transform Mexico into a modern polity, took shape in relation to—for or against—the United States. "The passion of our elites for North American civilization," writes Paz,

> swings from love to resentment, from adoration to horror. That is to say, contradictory manifestations of ignorance: from the liberal Lorenzo de Zavala, who did not hesitate to side with the Texans in their war against Mexico, to the contemporary Marxist-Leninists and their allies, the so-called "theologians of liberation," who have turned materialistic dialectic into a hypostasis of the Holy Spirit, and United States imperialism into the forerunner of the Anti-Christ.

Paz points out the little noted or disregarded fact that Mexican conservatives are more radically anti-North American than left-wing modernizers, since in Mexico the conservative strain has its roots in the hierarchical, counter-reformist society of New Spain:

> [The conservatives] are close to the United States out of self-interest, but they have never really accepted the liberal democratic ideology. Their real moral and intellectual affinities are on the side of authoritarian regimes. That is why they were Germanophiles in the two world wars.

But all Mexicans, without distinctions of class or ideology, see the United States as the *other*, the antagonist, radically and essentially the foreigner. The United States is the image of everything Mexico is not. It is strangeness itself. Yet Mexicans are condemned to live with that strangeness:

> [The North Americans] are always among us, even when they ignore us or turn their back on us. Their shadow covers the whole hemisphere. It is the shadow of a giant. And the idea we have of that giant is the same that can be found in fairy tales and legends: a great fellow of kind disposition, a bit simple, an innocent who ignores his own strength and whom we can fool most of the time, but whose wrath can destroy us. [And] to that image of the good and somewhat dimwitted giant is juxtaposed that of the clever and bloodthirsty cyclops, which is also a childhood fantasy: the child-eating ogre of Perrault and the monster of Sade, in whose orgies his libertine friends eat steaming heaps of human flesh off the singed corpses they use as tables and chairs. Saint Christopher, but also Polyphemus. And also Prometheus: the fire of industry and of war, the two facets of progress, the automobile and the bomb.

As a matter of fact, Mexico has seen a good deal of that North American monster face. In 1845-46 the U.S. not only took Texas (which had seceded from Mexico on its own in 1836) but also made that the occasion for invading Mexico, occupying its capital city, and tearing off its body the territory of the present states of California, Arizona, Nevada, New Mexico, Utah, and parts of Colorado and Wyoming. Understandably there is enormous bitterness in Mexico about the loss of the 1846 war and of what appears today as the most desirable half of the country's territory. There is no way out for Mexican pride as those lands blossom and become even richer and more desirable than the North American Northeast: either they would have developed in roughly the same direction if they had remained Mexican, or they would (more likely) have still resembled Sonora and Sinaloa. Neither alternative is a thought to gladden the heart of a Mexican.

Seen in this light, Mexico's obsession with the principles of nonintervention and self-determination emerges not as a sick fixation, but as an anxiety grounded in a historic experience not altogether dissimilar from that of the Poles. By the same token (though admittedly, the analogy

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should not be carried too far), who would fail to understand Polish sympathy for any political trouble within the Eastern bloc that would narrow the potential uses of naked Soviet power?

Of course the analogy ceases to function when we remind ourselves that in the case of Mexico it is the government and the party who talk and to some extent act as if they were not displeased by destabilizing political events in their vicinity which, if they continue to develop unchecked, could lead to grave social and political unrest in Mexico itself. The uncontrolled violence of the Mexican revolution is only half a century away (it did not end until 1929). This is a thought that should put a chill in the spines of all members of the Mexican establishment. For the deep conservatism of successful revolutionaries (Mao Zedong was the exception who proves the rule) is surely explained by their panic at the idea of social tensions getting out of hand and a return to the violence they know so well, if the system of political and social control should falter.

It is here that the Mexicans find themselves in a quandary. In Communist countries control is a matter of totalitarianism and terror. The political order that emerged out of the Mexican revolution is only mildly authoritarian, and relies for its remarkable stability in the midst of acute social problems (40 percent of the adult population unemployed or underemployed, 55 million below the deep poverty line in a population of 70 million) on a torrent of double-talk about how fervently revolutionary the power structure remains or, indeed, how *much more* revolutionary it becomes with each passing day. Each new Mexican president achieves his anointment as the standard bearer of this (verbally) unflagging revolution by donning the mantle of nationalism, egalitarianism, anti-imperialism; he becomes a champion of the Third World, of the Indian, the peasant, the worker; and he will be the friend of revolutionaries everywhere (except in Mexico, where his police will stamp on them very hard indeed). It should be clear that this is not a matter of appeasing the poverty-stricken masses, who live on a level where such concepts are meaningless, but rather those sectors of the middle classes who might stray from the "revolutionary family" and begin agitating for true opposition or—God forbid—true revolution.

The rule that no president may succeed himself after his six-year term is another essential element of this system. It allows other contenders and their friends the hope that their moment will come, and, more important, removes every former president forever from the political scene. The swarms of followers who have clustered in widening circles around the outgoing president are forced to relinquish their positions without bruising conflict to the swarms forming around the new leader.

Still another feature of the Mexican system is the incessant and diligent cooptation of bright, young, genuine Marxists. Young men who show intellectual capability, character, and radical leanings will be courted. If they are recalcitrant, they will be repressed (and even in extreme cases assassinated). But if they respond, they are assured spectacular careers in government. A survey of high-level personnel of the Mexican bureaucracy, including the foreign service, would show a startling proportion of very young men, many or most of whom were a short time back fiery youth leaders who from the relative safety of university campuses denounced the ruling elite and the single-party system as so much dead wood and as betrayers of the very revolutioary ideals they incessantly mouth. Not a few of the dead and missing (those lying to this day in unmarked common graves) of the massacre of student demonstrators at the Plaza de Las Tres Culturas (1968) would by now, had they survived, have become *chefs de cabinet* in some ministry, or even full ambassadors abroad.

For those of more delicate sensibility, the system offers less openly compromising opportunities in the universities, in publishing, in the arts, in journalism. A radical fringe actually can maintain in those niches a seemingly unbending anti-government and anti-PRI attitude, while in practice contributing a precious ingredient to the appearance of pluralism and to the tending of that hologram of a revolutionary flame that is Mexico's most important political myth.

Now it should not be thought that all young Marxists who allow themselves to be coopted thereby abandon their political beliefs. Quite the contrary. Many or most of them rationalize their accommodations as the best possible manner in which to further those beliefs. They are definitely not asked to disguise them, and they enjoy active and often effective participation in the decision-making process, as bureaucrats or as makers of public opinion, up to a carefully measured point beyond which (a) the power structure could be undermined and (b) serious conflict with the United States might ensue. There are mistakes. The incident at the Plaza de las Tres Culturas should have been avoided. So should voting for the Zionism-racism resolution in the United Nations. It is worth noting that Luis Echeverría, a fatuous man who made the mistake of surrounding himself with hard-line young advisers, was involved as minister of the interior in the first instance, and as president in the second.

But within limits, Marxists in the bureaucracy, in the universities, and in the media are not only listened to, but their rhetoric is welcomed and readily borrowed by the regime as a whole. In part, this is the bow to the Left of a system based on mutual tolerance among elites and on elaborate mechanisms for resolving their differences. The "revolutionary family" wants to have an ex-

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treme left wing, in fact needs it, not least to keep up-to-date on revolutionary slogans. But in part the opinion of the extreme Left is welcomed as a valuable contribution to the decision-making process.

A LOOK at the four most often discussed issues in Mexican-U.S. relations will show how all this works:

1. Mexican growers of winter vegetables want better and perhaps unlimited access to the U.S. market. One would think that in any bilateral negotiations between the two countries this would be regarded as a Mexican goal and, if achieved, as a substantial U.S. concession. Yet Mexican leftists object that export of winter vegetables to the U.S. favors only "rich" farmers, and that any new exports to the United States increase Mexico's dependence on its imperialist neighbor (the U.S. indeed takes nearly 70 percent of all Mexican exports; Japan comes next with 3 percent).

2. A fifth or even more of Mexico's population depends on money earned by seasonal migrants to the U.S. Is it pro-Mexico to argue in favor of a liberalization and rationalization of this immense social and economic fact? No, says the left wing of the "revolutionary family," it is demeaning to Mexico to provide the imperialist United States with a labor underclass; migrants lose their pride and their identity (not to mention their potential for manning a real revolution back home some day); the benefits to relatives are illusory because dissipated in consumption, often of imported goods.

3. Tourism by North Americans in Mexico is panned for similar reasons: it is a form of prostitution, of selling Mexico's soul; the dollars earned are put to no good use and go mostly to the wrong Mexicans anyway; the spectacle of wealthy North American tourists, with their cameras and big cars, has a negative effect on the Mexican masses, who should yearn for social justice and not for the trinkets of North American consumerism.

4. The new-found oil, with reserves nearly comparable to those of the Persian Gulf, judiciously used in bilateral negotiations with the United States, would be an enormously powerful card. But the possibility of a greater commitment of oil to the U.S. is painted in the blackest colors, as a sure way to make Mexico an appendix, irretrievably, of the U.S. economy; a candidate for U.S protection or worse in the event of an unforeseen world crisis or of the sure energy shortage that the U.S. will confront in a few years; a victim, through excessive dollar earnings, of the unbalanced, unequal, and inflation-ridden development model of other oil-exporting countries.

In the case of these and other economic issues, about which no government can afford to become too ideological, the voice of the Left is widely publicized and often parroted, but heeded only with caution or not at all. On the other hand, in the "make believe" field of foreign policy, the Mexican power system has traditionally made large and it is hoped meaningless concessions to the extreme Left. Until the Cuban revolution, Mexico's only real foreign-policy preoccupation was the United States. Here the guidelines and the method were: to survive with dignity the uncomfortable proximity of this monstrous neighbor; to take advantage of this proximity without losing one's identity; to have as one's top real priority getting along with the U.S., and as one's top fictitious priority making it appear that, as a revolutionary country condemned to live next to the center of Western imperialism, one has constant, grave, and insoluble conflicts with it.

The Cuban revolution made matters much more complicated. Fidel Castro dared to attempt the impossible, and got away with it. He played the Soviet Union off against the United States and thus managed to fulfill the ambition that secretly or openly thrives in the heart of every Latin American (even passionate anti-Communists, like the Mexican conservatives mentioned by Octavio Paz): to get back at the United States for the multiple humiliations that Latin Americans have met with, individually or collectively, from the "*yanquis*," and especially for the great, all-embracing humiliation inherent in the inevitable comparison between what Latin Americans and North Americans have achieved in their respective parcels of the New World. That is why in his early days Fidel Castro was a hero to all Latin Americans. And that is why he continues to enjoy a far greater prestige than he deserves or that would seem possible under present circumstances.

Mexicans, of course, were and remain especially vulnerable to his appeal. For very good reasons, they suffer from an especially acute case of the "living-with-the-U.S." syndrome. They are especially sensitive to the heroic, nearly reckless daring shown by Castro in actually standing up to the United States instead of merely pretending to. Every chord in the Mexican system, from its emotionally satisfying mythology to the pragmatic uses of revolutionary rhetoric, vibrates with the noises that have been issuing from Havana in the last twenty years. The trouble is that this is no longer "make believe" foreign policy. This is the real thing, and, as Cuba has drawn closer and closer to the Soviet Union, finally becoming its most submissive satellite, the Mexicans have found themselves in increasing contradiction to a cardinal rule of their system: form and substance should never be allowed to coincide.

Cuba's is not a "limited" revolution. Cuba is a deadly earnest subversive agent and a formidable military power right on Mexico's doorstep. By contrast, Mexico has a little ragged army, and implicitly relies on U.S. military power for its external security. In all of Latin America only Brazil

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(with twelve times the population) has larger armed forces than Cuba. The Soviets have given that outsize army their type of battle training and an array of formidable weapons, including a small navy and a great fishing fleet capable of instant conversion to military purposes. Acting "on their own," as they supposedly have in Angola, the Cubans could interdict the sea routes of the Caribbean. They are a distinct threat to the new Mexican oil fields, so close to their shores that an offshore oil field reportedly discovered not long ago a few miles north of Havana would be part of the same geological formation as the Mexican fields. The paradox reaches surrealistic proportions in the fact that it is the Mexican state-oil company which has been doing the prospecting and the drilling for the Cubans, thus carrying on the pretense of a "big" revolution helping a "little" one much beyond the point when it was a game of words and gestures.

THERE is one final, unspoken rationalization for Mexico's behavior toward the whole problem of the Soviet-inspired and Cuban-based strategic thrust in Central America. It is the hope that by its show of sympathy and even support for the Cuban and Nicaraguan governments—as well as for the "Liberation Fronts" of El Salvador, Honduras, and Guatemala—Mexico will be spared foreign-backed internal subversion longer than countries which, like Venezuela, have been uncompromising in their relations with Cuba.* This would be consistent with the fact that nowhere in Latin America has Communist subversion made headway without outside support. Time, think the Mexicans, is the great healer.

Meanwhile, and as long as they can count on Mexico to look the other way or even lend a helping hand here and there, Cuba and the Soviet Union have conspicuously ignored any repressive actions by the government against the Mexican Communist party. Much more significantly, they have left entirely on their own a few forlorn pockets of Mexican guerrillas, whose very existence is for that reason as unknown to world opinion as the Salvadoran rebels are famous.

*After a brief thaw following resumption of diplomatic ties in 1975, Venezuelan-Cuban relations are again very tense and near the breaking point over Cuba's refusal to honor the hallowed Latin American tradition of diplomatic asylum. It will not grant safe conduct to refugees in the Venezuelan embassy in Havana. Interestingly, it has been several years since anyone sought refuge in Mexico's embassy. The grapevine has it that it is not precisely a haven from Castro's police.

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The Most Beautiful Woman in Vilna

Ruth R. Wisse

For Eva F. Raby, David G. Roskies, and in memory of our brother, Benjamin.

MY GRANDMOTHER'S portrait has always hung over my parents' ample bed. She wears a high lace collar, slightly open at the neck, and a tiara of her own light brown braids. Her solemn eyes look out flat into the distance, as if she had taken this photographic occasion to brood over her strange fate. I recognize the straight, slightly heavy nose that has passed down through my mother to me, and the thin mouth, here uncharacteristically closed. The portrait is of a young woman in her early twenties who has already had four of her more than a dozen children, though not yet my mother, her next-to-last.

This maternal grandmother of mine is the heroine of a saga, the serialized episodes of which I have been hearing all my life. My mother never told the story consecutively from beginning to end, but turned to it as a narrative icon signifying wisdom, fortitude, and skills of survival. A complaint from any one of us children of suffered injustice or pain would bring on a story of grandmother's triumph over injustice or pain (as when German soldiers in World War I threatened to shoot the family, and only shot down a chandelier). A boast of success would trigger a competitive example of "genuine" success, grandmother's edge over us deriving from the greater obstacles she had overcome. Of our own adventures in romance we would never speak at all because here, however reluctantly, we all had to concede our epigone status. True romance flourishes only when sex is under constraint. My grandmother came of age in Jewish Lithuania of the 1870's, when marriage still set the bounds of permissible love. Against this background, the story of her courtships and marriages was so marvelously dramatic that I never really believed it to be true, though the descriptive detail of mother's recitations never varied. (That may have been why I never believed it to be true.)

If I undertake to pass on this story on my own authority it is because at least once, quite by chance, I caught an independent glimpse of grandmother's radiance, confirming, if not the substance, then certainly the spirit of all that my mother had told me. It was in the late 50's, at the end of my first extended trip to Israel, the first time I had been so far away from home for so long. I wanted to bring back, particularly for mother, a present that would prove my unflagging attentiveness, and after some thought decided on a set of silver teaglass holders in an elegant filigree pattern like the ones used in the home of my hosts, a European couple much like my parents. They provided me with the name of a small jewelry shop on Allenby Street, and though I knew by then the siesta schedule of the Tel Aviv storekeepers, I turned up at the shop well before four on a humid August day to find it predictably closed. I sought refuge from the burning sidewalks in an open bookshop several doors down the street.

Even before I could make out the owner, the uniformly dark spines of the many books crowding the tables and shelves told me that the store specialized in religious works, the kind of book which then interested me least. Unprepared as I was, however, to go back into the glare of the street, I pretended to browse. The owner brought me up short. He was an old man with an unkempt tobacco-stained beard, wearing a black suit and an ancient black fedora on his head. His eyes, behind steel-rimmed glasses, fixed me sharply (in my shorts, of all things, and wearing a sleeveless white blouse!). In a European-accented Hebrew he rasped, "What do you want?" as though I had trespassed. I may have felt uncomfortable, but I knew the propitiating formula. There was nothing to be done about the shorts and the bare arms, but I replied in my best Yiddish that I was searching for books. Somewhat less harshly, he wanted to know what kind. And suddenly, inspired, I realized just what my mother might want me to bring her from Israel, the very item this old man might be able to provide.

"I'm looking for a book from the Matz Publishing Company in Vilna. It doesn't matter whether it's a prayerbook or a commentary or whatever. It's the publisher's imprint I'm looking for."

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The glasses came off. The old man took a few steps toward me and asked, with unfeigned curiosity, this time in Yiddish, "Why do you want a Matz book?"

"My grandmother, Fradl Matz, owned the press. I want to bring my mother a present from Israel that would remind her of Vilna. Do you have anything?"

The old man melted before my eyes. He came close enough to brush my hair with his fingers, for me to see small tears in his eyes.

"I knew your father," he said. "We sold books together."

Here was something wrong. My father was a chemical engineer, barely fifty, running a factory back in Montreal. He must have known my grandfather, Fradl Matz's second husband, who was once a book distributor in the provinces of Poland. The old man had let slip a generation.

"You mean my grandfather," I tried to correct him. He failed to notice or to care. My "father" had been his friend in the years before he married the legendary Fradl. They came from the same town of Józefow, Lubelsk. Both worked as booksellers, picking up consignments at regular intervals from the major Vilna publishers—Rom, Shriftzetser, and Matz—and distributing them through the Polish towns. He recalled their awe of Vilna, the inn they sometimes frequented, the amazing courtship that transformed my grandfather into a Vilna resident, a publisher, a wealthy man. I was prepared to stand forever in this wash of memory, but after these few items, origins, awe, the inn, my grandfather's good fortune, the narrative trickled dry. The old man turned to the shelves, perhaps looking for the item I had requested.

"What about my grandmother?" I was greedy for more. "Did you know grandmother too?"

He turned to me with an expression very much like love and said, "Fradl Matz was the most beautiful woman in Vilna." The legend was not mother's invention. *Di shenste froy in Vilne!* Even my mother had never made so magnificent a claim.

At the age of fifteen, my grandmother, Fradl, made her first conquest. She caught the eye of a young impresario, on a visit to Minsk from St. Petersburg, who wanted to take her back with him as both fiancée and protegée. The girl's lovely voice, if it were to receive the proper training, and her beauty, if but correctly cultivated, would make her a second Patti, internationally famous and rich. The original Adelina Patti was then at the height of her career as a coloratura singer; Rossini was said to have arranged expressly for her the role of Rosina in his *Barber of Seville*.

Of grandmother's voice I have no evidence, but her portrait does bear a resemblance to the vivid intensity of Patti, and the young man may have known what he was about. He chose to plead his suit not with the girl's father, Moishe Polachek, a government purveyor, but with Grune Soltz Polachek, the second wife he had taken shortly after the death of Fradl's mother. It was a fatal tactical mistake.

Though the Polacheks were well-to-do, Grune, an avid card player and generous hostess, was always in need of additional private funds. The young man's infatuation with her stepdaughter inspired her with a new idea. She went to the larger Jewish center of Vilna to consult with knowledgeable matchmakers, and found that Fradl was indeed a valuable property. In fact, her inquiries turned up a far more profitable son-in-law than the promising but impecunious impresario. Yehuda Leib Matz, a direct descendant of the Gaon, the great Rabbi of Vilna, wealthy owner of the Matz Publishing Company, father of two children of marriageable age, and unfortunately bereaved widower, was looking for a new wife.

The lovely young maiden, the greedy stepmother, and the middle-aged but robust widower are the very typical ingredients of the sentimental romances that local publishers had begun to commission to complement their reputable editions of religious and scholarly works. Life took its cue from literature. Matz offered Grune Soltz an impressive sum, which she accepted on Fradl's behalf. Since the wily Grune was afraid that her husband might not agree to this marriage between his fifteen-year-old daughter and his contemporary of forty-five, she introduced him instead to the prospective groom's younger brother, a slim, chestnut-haired bachelor of thirty. So the wedding was arranged. It was not until her veil was lifted under the canopy that Fradl saw the gentleman, substantial and stern, who was to be her husband. According to family legend, she cried for almost a full week.

The wedding itself became the subject of popular song. Many years after her marriage, Fradl attended a wedding in Warsaw where the entertaining bard was the famous Eliakum Zunser, brought down for the occasion from Minsk. As part of his varied repertoire, Zunser sang a lengthy lament on Jewish matchmaking that combined a familiar story line with a general social plaint:

Look, good people, at these parents
Who lead their daughter to the sacrifice.
There comes the bride
Her own father at her side
Her eyes are bound
In her heart is a wound
A few moments left to wait
Before they seal her fate
Regret always comes too late.

At the end of the evening, Zunser confided to one of her cousins that Fradl, at whose wedding years before in Minsk he had also officiated, was the subject and inspiration of this work.

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But the sentimental romance and the lamenting ballad could not contain the actuality of my grandmother who was neither as helpless nor as unhappy as the fashion in heroines. On the days following their wedding, seeing poor Fradl cry in humiliation and sorrow, Yehuda Leib offered her the choice she ought to have been given at the outset. He was prepared to annul the marriage. Despite the difference in their ages, he had hoped to bring her much happiness; since she was unwilling to consummate the marriage, he would settle matters generously with her parents and send her safely home.

At the mention of "parents" and "home," Fradl grew suddenly calm. Return to her former condition was unthinkable. Matz was not, to be sure, her romantic ideal, but since she was his, this could yield its own kind of sweetness and triumph. She decided to stay, and settled in as his imperious young wife. She was never seen except in hand-embroidered dresses, tightly corseted to show off her waist, with high arched collars to protect her modesty. She bore many children over the next twenty years—though several died in infancy—handing them over at birth to a resident wet nurse so that she could retain her splendid figure, and placing them afterward in the care of housemaids as she helped to run the business.

The press and the residence were in the same spacious courtyard building at the corner of Zawalna Street. To grow up in the family was to grow up in the business. The hand operator responsible for turning the presses before the installation of electric equipment continued to live in the basement of the house on a small family pension, and my mother remembers celebrating his hundredth birthday.

Vilna was the center of Jewish publishing. Its most famous firm, world-renowned for its modern editions of the Babylonian Talmud, was headed in grandmother's time by "The Widow" Dvora Rom, a sharp businesswoman with a reputation for very hard bargaining. The widow Rom must have served grandmother as a formidable if not altogether satisfactory model.

During Yehuda Leib's tenure as owner-director, Matz Publishers specialized in religious and scholarly works. They put out rabbinic commentaries and Yiddish translations of homiletic works, as well as Joshua Steinberg's *Hebrew-Russian and Russian-Hebrew Dictionary* (1878-80) and Russian grammar texts. When a growing market developed toward the end of the century for popular literature, Matz commissioned "women's story books" from the very prolific Shomer (Nahum Meir Shaikevitch, 1849-1905), Bloshetyn (1840-1898), and Ayzik Meir Dik (1807-1893) with titles like *The Blind Orphan, The Husband of Three Wives, The Secrets of the Constantinople Court, Vichne Dvoshe Returns from America,* and *Gevalt! Where is My Beard?* The bread-and-butter items were always the prayerbooks and religious items for every occasion: flags for *Simchat Torah,* Haggadahs for Passover, *Megillot Esther* and Purim plays, Lamentations to mark the destruction of the Temple for the fast day of Av, and holiday prayerbooks published with either Yiddish or Russian translation. Fradl helped to manage the business as long as Yehuda Leib was alive. After his death, the company was incorporated in her own name, and Fradl took full control.

The children of this uneven marriage grew up with their mother's musical talent and their father's appetite, but with little of their parents' acquired discipline. Alexander was a dandy, affecting a more aristocratic manner than either his accomplishments or his pocketbook warranted. Helena taunted her father at the dinner table with defenses of Jesus Christ, until the old man turned to his wife and asked how God could have punished them with such a chastising rod? Minna was a gifted pianist who later married a gifted tenor; her husband was also such a compulsive gambler that he pawned her piano, although it had become for them by then the sole source of family income. Rosa too was a pianist, and both Lisa and Maria were singers. Anushka became the only professional singer in the family, but her tempestuous romances took precedence over training or career. Benjamin was known as his mother's favorite. Grisha, the youngest, became a strange blend of aesthete and social reformer; he helped maintain a local Jewish orphanage, without ignoring his interests in photography and theater, the actresses as well as the plays. Everyone spoke Russian and studied French. My grandmother worried about the continuous bickering, the laxity in Jewish observance, her children's restless indecision and momentary fits of self-abandon.

As long as Matz was alive, the combined authority of the parents kept the household in check, but when her husband died, my grandmother betrayed everyone by falling in love. She would have been expected to remarry. Jews did not sanction celibacy, and encouraged the quick resumption of civilizing intercourse as a precaution against the sickly moods of abstinence. Love, however, burned with its own sickly fever. It was regarded as a capricious, if not mischievous guide to human affairs. Yet apparently there was no resisting the avalanche of modernity that was transforming the tough, traditional Jewish community of Vilna into the breeding ground of every new secular devotion. Like her many adolescent daughters, like the heroines of her proliferating Yiddish novels, Fradl Matz fell in love and followed her heart into marriage. Had the story ended here, one would have said that she lived happily ever after, and perhaps she did, for a year or two.

At what point my grandfather entered on the

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scene I have never learned. He was, as we have heard, a book distributor from Józefow, which is to say, he was a Hasid. Into Vilna he would come, with his long black coat and thick bearded piety, representing to the local Lithuanian Jews their backwoods Polish cousins, the superstitious yearnings of hasidic courts and bedraggled small-town poverty. As a businessman, a traveler, a dealer in books, he must have been known in his native region as something of a modern, but in Vilna he was the Polish provincial, the broad vowels of his Yiddish speech betraying his "uncultivated" origins. If the family name, Welczer, rang with Italian genealogy, it was by this time only an echo of a forgotten source.

My mother describes the courtship of her parents in a single vivid image: "Fradl Matz always wore high lace collars, but through the very narrow opening at the front, father caught a glimpse of her lovely white throat." There stands the knight at the castle moat, looking up at the thin gleam of light through the casement window. Had Welczer noticed the whiteness of her throat long before old Matz died, or did Fradl's fresh widowhood make him yearn to have and protect her?

And Fradl—had her eyes followed him whenever he entered and left the salesroom? Was this man just one of the many wholesalers who came once or twice a year to place their orders, or did she anticipate his arrival, and linger over the arrangements as they drank their tea? Let us suppose a heightened interest, as my grandfather, behind the long black coat and beard, was tall and handsome, with the piercing eyes that older Jews valued for their power to penetrate the Torah. It is also known that when Welczer proposed marriage, Fradl accepted without pause or consultation. Had she made the kind of routine inquiries that preceded the extension of credit to any new account she would have learned what she evidently chose not to hear:

Soon after the death of Yehuda Leib Matz, Welczer had gone home to Józefow to arrange a divorce from his wife. He agreed to a modest settlement for his several daughters (who remembered him thereafter without rancor) and returned to Vilna to present himself to Fradl as a *childless widower*. Perhaps having once or twice caught sight of the bulging Matz household, he had concluded there would be quite enough troubled responsibility as Fradl's second husband without the introduction of his own complicating family. Nor did he want to burden Fradl with unwitting complicity in his divorce. And since she, for her part, made no inquiries, she remained chastely innocent until so many years had elapsed that the old deception closed over, like a scar. He told her the truth only after the birth of my mother, their first and only child. A second daughter, born a year later, died within a month, and after that there were no more children.

SO MY MOTHER grew up as the only half-sister of nine or ten older Matz offspring, some with children her age. Their noisy rivalry consolidated in a single unifying passion—resentment of Fradl's new husband and resistance to familial happiness under his roof. The love between husband and wife stirred the envy of the daughters and teased the ambition of the sons.

Welczer's experience as a salesman was put to good use, and his emphasis on export brought the business unprecedented profit, especially when he leased the plates of the prayerbooks to the Hebrew Publishing Company in New York for more than 50,000 rubles. His fiscal management enabled Fradl to support the burgeoning family even through the brutal famine of World War I. In household management, Welczer deferred to his wife's authority. He did not fulminate, as Matz had done, over breaches in Jewish observance, but let the children come and go as they pleased, or as they demonstratively tried to displease. His dignity may have provoked them no less than had their own father's flashing rages. The hapless Polish provincial they thought their mother had married proved no more endearing when he stood revealed as her altogether satisfactory husband and business partner. My mother's motto, "Life is a battlefield," would seem to draw its evidence not only from the wars that uprooted her but also from the great house on Zawalna Street where she was born and raised.

All her young life my mother sided with the house majority, resisting her father, addressing him by the formal second person pronoun, "you," instead of the intimate "thou," which she, his real daughter, would have been expected to use. It was only in posthumous identification with him that she began a lifelong habit of speaking Yiddish, in defiance of her Russifying half-sisters and brothers, and later, more boldly, in societies where German, and French, and English, or Polish (all of which she knows) were much more in fashion.

Her mother she idolized, the more so as she lost her very early. Fradl contracted tuberculosis during the war, and despite the family's appeals to every specialist, and application of every known remedy, she continued to languish. One day news came from the Russian front that Benjamin, conscripted two years earlier and unharmed in battle, had died in a military hospital of influenza. The family determined to keep the news from Fradl. For over a year they intercepted all her mail, warned visitors and censored their own conversation to prevent her from discovering the fact. She died, they believed, without ever knowing that her favorite child had preceded her (though I suspect she allowed her family its final deception rather than having to bear the extra weight of their sympathy). I have seen two of Fradl's letters, the only documents of the Zawalna household to have survived Vilna's devastation. The letters, written dur-

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ing the last year of her life to one of the children who was representing the firm in America, are as brittle as the paper, without epistolary charm or indulgence of sentiment. She sounds at this point like a woman whom it would have been hard to deceive.

Welczer did not long outlive his wife. Approached by a friendly go-between with an excellent match, he said that one privileged to have been married to Fradl Matz could never be satisfied with any other wife. The business closed upon his death, though my mother was able to live off the sale of remaining stock until about her twenty-first birthday. After that she was quite on her own.

Mother is one of those ancient mariners who press their tales on carefree celebrants. She absorbed all the deaths of the sisters, their husbands, and ex-husbands, of the brothers and their wives, and of the nieces and nephews, and her tales of the past signify her refusal to be moved to terror or pity. Their single theme is vitality, "life." The rooms of her mind are always noisy with voices, laughter, arpeggios, quarrel, the whir of the press. Her stories of famine extol the marvel of food. Her stories of illness conclude with a firm pinch of health. Failure is turned to advantage and malice becomes the involuntary accomplice of beneficence. My mother stands dedicated to the defeat of death, and with the odds laid out before her, laughs off the challenge. It is no wonder that grandmother looks so serene in her ageless portrait. "*Eyne, un a rekhte.*" Let it be only one, as long as it is the right one. My mother has convinced the generations on either side of her that she will prevail.

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In Defense of Religious America

Terry Eastland

"RELIGION in American life, Mr. Cadwell. We need it." That is the concluding line of a radio commercial which for some, perhaps providential, reason I have had occasion to hear several dozen times over the past year. It is not an advertisement for any particular religion, just religion itself, which presumably could be Christian or Jewish or Muslim or Hindu or—though I think the commercial's sponsors did not quite have this in mind—the Reverend Sun Myung Moon's. It is an innocuous ad, so ecumenical as to be able to effect no conversion to anything. But concerned as it is with religion in American life, the message serves beautifully as a kind of theme song for our times. It implicitly raises the question brought up by the activities of so many others in the past year, from Jerry Falwell to the American Civil Liberties Union: what should be the place of religion in American life? What, that is, should be the place of religion, not so much in the life of any one individual American as in American civil society?

Discussion of this question has not been especially enlightening. It has centered almost exclusively on the First Amendment, and the reflections on the First Amendment have themselves been unhelpful. Columnists and politicians have been content to repeat the mythology most famously (though not originally) articulated by Chief Justice Earl Warren when he said that the First Amendment "underwrote the admonition of Thomas Jefferson that there should be a wall of separation between church and state." The Chief Justice had a way with history, but for the sake of accuracy—and much else besides—it should be noted that Jefferson said what he said in 1802, when he was President, in a letter to the Danbury Baptists. However interesting Jefferson's thoughts may be, and however much we may wish today to regard his views as authoritative on church-state matters, this letter is simply not relevant to a consideration of the framing of the First Amendment and its original intention—unless of course Jefferson had been sitting in Congress in the summer of 1789 (in fact he was in Europe as Secretary of State and would not return until the autumn).

The invocation of Jefferson obscures history by implying that the Founding Fathers were hostile to religion, since in today's usage the idea of a wall connotes antagonism and suspicion between the two sides thus separated. As a matter of historical fact, the Founding Fathers believed that the public interest was served by the promotion of religion. The Northwest Ordinance of 1787, which set aside federal property in the territory for schools and which was passed again by Congress in 1789, is instructive. "Religion, morality, and knowledge being necessary to good government and the happiness of mankind," read the act, "schools and the means of learning shall forever be encouraged."

It is only from history, not from clichés about history, that we can understand what we once were as a nation in regard to religion, and what we have since become. Let me therefore start with these propositions: that there was a principal religion in American life from 1620 until roughly 1920; that this religion was Protestant Christianity; and that Protestant Christianity has been our established religion in almost every sense of that phrase.

The one sense in which Protestant Christianity was *not* established, of course, was as our national religion. There never has been a Church of the United States, complete with a bishop and supported by tax revenues, as in England. Nor can there be one: the First Amendment to the Constitution did make sure of that. But nothing *more* than that.

The intention of the framers of the First Amendment was not to effect an absolute neutrality on the part of government toward religion on the one hand and irreligion on the other. The neutrality the framers sought was rather among the sects, the various denominations. Accordingly, as Michael J. Malbin has shown, although there could be no national establishment of a sect, there could be state aid to religious groups so long as the assistance furthered a public purpose and so long as it did not discriminate in favor of some or against others; all sects, in other words, would have to be benefited.*

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* *Religion and Politics: The Intentions of the Authors of the First Amendment* (American Enterprise Institute, 1978).

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The perspective of colonial history in the period dating from the Great Awakening makes it all the more clear that the First Amendment could not have been meant to enforce neutrality by government as between religion and irreligion. The Society for the Propagation of the Gospel, a sort of missionary arm of the Church of England, had been in business in America since 1701. For three-quarters of the 18th century, and especially in the years just prior to the Revolution, a widespread religious attitude in America was fear—fear that the Crown would establish the Anglican religion. The principle of non-establishment of a particular denomination was a product of this historical period, and the First Amendment applied this principle at the national level. Throughout the late 18th and early 19th centuries the principle was similarly applied at the colonial and, later, the state levels. As at the national level, so at the state level: no one denomination was to be given state support; there had to be neutrality among sects.

Thus, if Anglicanism could not reign in a given colony or state, neither could Congregationalism. The Anglican establishments in Maryland, South Carolina, North Carolina, and Georgia were wiped out before 1776, and Virginia's died finally in 1802. Congregationalism held on long past 1791 in Massachusetts, Connecticut, and New Hampshire, but by 1833 had lost its privileged status in all of these states.

It should be noted that although these establishments were of different sects, they belonged to the same religious family tree—that of Protestant Christianity. This is hardly surprising. The original colonies were English, and their English settlers were primarily Protestant. The non-English minorities—the Scots, the Scotch-Irish, the French, the Dutch, the Swedes, the Germans—were also mostly Protestant. There were only a few Catholics, mostly in Maryland, and even fewer Jews. This relative mix would endure until well past the middle of the 19th century.

The heavily Protestant orientation of the churchgoers of early America should not obscure the fact that many if not a majority of Americans were unchurched in the 18th century. But with a very few exceptions these unchurched were not freethinking atheists or agnostics. Hence, while the principle of non-establishment could be extended to prohibit the establishment of one particular religion (and not just the sects within a religion), few people were sufficiently bothered, as a practical or theoretical matter, to make this extension. The prominent exception was Madison, who believed that Christianity should not be favored over any other religion. Yet even Madison agreed on the general proposition that so far as the public interest was concerned, religion itself was better than irreligion.

THE particular sects, then, had been disestablished at the state level by 1833. But Christianity had not been, and would not be, until much later. In the early part of the 19th century, states set up both by constitution and statute provisions declaring it the duty of all men "to worship the Supreme Being." States also regulated membership in Christian denominations, imposed fines for failure to fix the worship hour on Sundays, and even mandated that elected officials believe in "the Christian religion."*

State courts did their part to support the Protestant faith. In 1811 the New York state court upheld an indictment for blasphemous utterances against Christ, and in its ruling, given by Chief Justice Kent, the court said, "We are Christian people, and the morality of the country is deeply engrafted upon Christianity." Fifty years later this same court said that "Christianity may be conceded to be the established religion."

The Pennsylvania state court also affirmed the conviction of a man on charges of blasphemy, here against the Holy Scriptures. The Court said: "Christianity, general Christianity is, and always has been, a part of the common law of Pennsylvania . . . not Christianity founded on any particular religious tenets; nor Christianity with an established church and tithes and spiritual courts; but Christianity with liberty of conscience to all men."

States also required the teaching of the Christian religion in state colleges and universities, and in prisons, reformatories, asylums, orphanages, and homes for soldiers. Furthermore, public aid was given to church-run hospitals and orphanages. Last, but certainly not least, many states required Bible reading and prayers in the elementary and secondary public schools.

Religion was far more integrated into the actual curriculum than these religious exercises might suggest. Textbooks referred to God without embarrassment, and schoolteachers considered one of their major tasks the development of character—an aim quite consistent, as we shall see, with America's brand of Protestant Christianity. The influence of William Holmes McGuffey (1800-1873), a Presbyterian educator and philosopher, was remarkable. His *Eclectic Readers* were published in 1836, and from that year until 1920—two years after Mississippi became the last state to institute a public-school system—his books sold more than 120 million copies, a total that put them in a class with only the Bible and Webster's Dictionary. McGuffey's *Readers* stressed, as the Northwest Ordinance did, "religion, morality, and knowledge," in that order.

AS WITH the public schools, so with almost every area of American life. The establishment of Protestant Christianity was one not only of law but also, and far more importantly, of culture. Protestant Christianity supplied

*For this and following references, see Harold Berman, "The Interaction of Law and Religion," *Humanities in Society*, Spring 1979.

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the nation with its "system of values"—to use the modern phrase—and would do so until the 1920's when the cake of Protestant custom seemed most noticeably to begin crumbling. But before coming to that moment we should reflect on the content of the particular religion that held sway in American life for the better part of 300 years, and remark more precisely on the significance of its "cultural" establishment.

As a general metaphysic, Protestant Christianity was understood in ways Catholics and Jews and deists could accept. Not only Protestant Christians but most people agreed that our law was rooted, as John Adams had said, in a common moral and religious tradition, one that stretched back to the time Moses went up on Mount Sinai. Similarly, almost everyone agreed that our liberties were God-given and should be exercised responsibly. There was a distinction between liberty and license.

Beyond this it is possible to be much more specific. Protestant Christianity was Reformed in theology, Puritan in outlook, experiential in faith. It was also evangelical in its orientation toward the world. These propositions held true of not only the denominations of Puritan origin (such as the Congregational, Presbyterian, and Baptist churches) but also those with more highly qualified views on the issue of predestination (such as the Methodist church) and those we might today consider "High Church" (such as the Episcopal church). Almost everyone drank from the same Reformation well, which happened to be the Westminster Confession of 1643. Reformation theology placed emphasis on the sovereignty of God and the depravity of man. It was a religion of the book—the Bible—that demanded the individual conversion of man and, in consequence, the living of a changed life.

This point had enormous social and political consequences. It is unlikely that a predominantly Catholic or Jewish America would have given birth to the type of society that eventually evolved by the late 18th century. The reason is that neither would have emphasized to the degree the American Puritans did the importance of personal development in the moral (and for them spiritual) sense of character formation. The Westminster Confession describes the preaching of the word as "an effectual means of driving them [sinners] out of themselves" and "of strengthening them against temptation and corruption, and of building them up in grace."

That is doctrine that will shape a man, and the shaping, molding emphasis of the American Puritans, the character-building emphasis, can even today be seen—literally seen—in needlework shops where samplers bearing the old, straightforwardly didactic Protestant American messages can be found. Often such messages take the form of unedited Bible verses (from the King James version). Scripture was not incidental to the Puritan American. It was to be considered, meditated upon, learned by heart. "As a man thinketh in his heart," says the Bible, "so is he." The Puritans did not think only with their heads.

The American Protestant characteristically was driven out of himself, not only into Christ but also into the world. Hence the description—"this-worldly ascetic"—so often applied to individuals in Reformed communities. The change in the history of Christianity that this phrase suggests is seismic. After Luther it was no longer necessary to withdraw from the world (and into a monastery) to serve God. A man could serve God in the secular world. ("What is the chief and highest end of man?" asks the first question of the Larger Catechism of the Westminster Confession. "Man's chief and highest end is to glorify God and fully to enjoy Him forever.") Every job had a purpose, every man a calling, a vocation, no matter how lowly or how exalted. Working in *this* world, furthermore, men could transform the society about them, as the New England Puritans tried to do in their Bible Commonwealths. Though these societies failed according to their own ideals, the impulse to change society remained and would manifest itself in numerous ways, including the voluntarism of the 19th century, which became such a mainstay of American life.

AMERICAN Protestantism not only taught spiritual virtues but also the less heroic ones of sobriety, honesty, prudence, temperance, and diligence. In the context of these virtues, as Irving Kristol has often pointed out, capitalism made ethical sense. Protestantism was understood to tame and direct a man's interests, including his economic ones, toward worthy ends. Man was understood to be a steward upon earth, and he was to use his liberty and his talents responsibly (and diligently; there was to be no idleness, no sloth). There may be no more interesting text on this than Question 141 of the Larger Catechism of the Westminster Confession, which even as late as 1844 was described by Philip Schaff, a German writing on America's religious life, as "the reigning theology of the country." The question refers to the Eighth Commandment ("Thou shalt not steal") and asks what duties it requires:

> The duties required . . . are: truth, faithfulness, and justice in contracts and commerce between man and man; rendering to everyone his due; restitution of goods unlawfully detained from the right owners thereof, giving and lending freely, according to our abilities, and the necessities of others; moderation of our judgments, wills, and affections, concerning worldly goods; a provident care and study to get, keep, use, and dispose of those things which are necessary and convenient for the sustentation of our nature, and suitable to our condition; a lawful calling, and diligence in it; frugality; avoiding unnecessary lawsuits, and suretyship, or other like arrangements; and an endeavor by all just and lawful means to procure, preserve, and further the wealth and outward estate of others, as well as our own.

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This answer offers much to reflect on; there is, for instance, the implicit approval of both commerce and the creation of wealth, even of one's own wealth. But the principal concern is man's duty, which is to have moderating effects upon his commercial activities. Tocqueville observed that the law allowed the American people to do everything, but that there are things which their religion prevented them from imagining and forbade them to dare. Religion—the Protestant religion here described—was thus a major source of the virtues a nation conceived in liberty always would need. It shaped the society and the individuals within it. Protestant Christianity helped answer the oldest of political questions: what kind of people, having what kind of character, does a society produce?

Tocqueville therefore was right to say that religion was America's "foremost political institution." It was the branch of government that the Constitution, based on self-interest and envisioning a commercial Republic, obviously could not create. Yet it was the branch essential to the maintenance of the Republic. It provided a check on the liberty guaranteed by our conventional political institutions. It was responsible for the character of the people. And as this "informal" branch of government, as our "foremost political institution," Protestant Christianity enjoyed its most significant form of "establishment."

IN THE past sixty years, we have witnessed the disestablishment of this religion. One could argue that it was bound to happen. Good American theory—as given by Madison—holds that the more factions the better for the Republic's chances of survival. This theory applies not only to economic interests but also to religious ones. Despite the fact that the nation had been settled by Protestants, other religious peoples could settle here, too, and eventually they did. The great immigrations from Southern and Eastern Europe after the Civil War brought millions of Catholics to the United States, and by the end of the 19th century a sizable number of Jewish and Eastern Orthodox communities were also flourishing.

Meanwhile, something was happening to the old Protestantism itself. Evangelical Protestant Christianity (revitalized by the Second Awakening in the early years of the Republic) had held on strongly throughout the first half of the 19th century, but after the Civil War the tendencies toward Arminianism—i.e., the belief in divine sovereignty *and* human freedom—that had been present even in the 18th century became far more pronounced.

On the one hand, a liberal variety of Protestantism developed. Liberal theology had little interest in Original Sin; indeed sin to it was nothing more than mere error. Liberal Protestantism emphasized instead man's freedom and his natural goodness. Dogma and the sacraments were slighted, and there was immense optimism about the human race. Influenced by Kant, liberal Protestants reduced Christianity to morality; they had no prophetic voice, to speak of (or with). Liberal Protestantism was an accommodation to culture. H. Richard Niebuhr perhaps best described its God as One "without wrath" Who "brought men without sin into a kingdom without judgment through the ministrations of a Christ without a cross."

Liberal Protestantism was not the only accommodation to culture. More conservative Protestants—the keepers of the old religious flame—proved to be poor stewards of it. The old Protestantism descended into revivalistic orgies, as brought to us most sensationally by Billy Sunday. Christianity was presented as something dulcet and sentimental, and as often as not it was allied to the pursuit of profit. Frequently the old Protestantism was served up as a civil religion—a heresy, as Jonathan Edwards, but not Billy Sunday, would have recognized. Here too, and not surprisingly, dogma was neglected. A remark by Dwight Moody's perhaps best captures this. "My theology!" he exclaimed, when asked about it. "I didn't know I had any."

In the 1920's H.L. Mencken would acidly but correctly assert that "Protestantism is down with a wasting disease." One of the deepest reasons for its condition was that the Enlightenment had finally made its way to America. By the end of the 19th century the higher biblical criticism had disturbed the Protestant theologians' confidence in their ultimate authority, the Bible. So had the modern sciences, not only the physical sciences (especially biology in the form of Darwinism) but also the newer, social sciences. Truth no longer seemed absolute but relative to time and place, and the insights into personality and society provided by psychology and sociology seemed at least as plausible as those found in the Bible.

The half-decade following the Civil War had been the great age of urbanization. The rise of the city had also seen for the first time in American history the development of an intellectual class, and it was not kind to the old Protestant faith. By the 20's it had become intellectual fashion not to believe in God and, if one were a writer, to attack "Puritanism."

WITH the great immigrations, the decline of the old Protestant religion, and the rise of an intellectual class not merely indifferent but hostile to religion, the stage had been set by the 1920's for the cultural disestablishment of the old faith. Indeed, it had begun earlier. The end of World War I in 1918 had inaugurated a period of laxity in morals and manners. This is typically what happens after wars, but the decade of the 20's eventually would prove to be a dramatic break from the past. For it was not followed by a recovery of the old morals and manners, as also typically happens after social upheavals; the Victorian era stayed firmly in the

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past. Church attendance declined throughout the 20's. People lost their fear of Hell and had less interest in Heaven. They made more demands for material fulfillment.

Such demands, of course, are as American as the Declaration of Independence, which after all sanctified the idea of the pursuit of happiness. That idea owed more to the Enlightenment than to the Bible; certainly it did not sail to America aboard the Mayflower. Since the Declaration of Independence America had held its commitments to liberty and to virtue in tension. By the 20's it was clear the tension had begun to resolve itself in favor of liberty. Americans now insisted, as William Leuchtenburg has noted, not only on the right to pursue happiness but also on the right to possess it. The 20's saw the beginnings of the installment-buying plan; it is impossible to imagine such a purchasing scheme in the American culture of 200 or even 100 years earlier.

Since the 20's the disestablishment of the old Protestant religion has taken place most obviously in the intellectual, governing, bureaucratic, and cultural classes, and to a lesser but no less real and increasing degree in the rest of society. Today the disestablishment is perhaps most easily detected on the college campus. Logical positivism may have long ago fallen out of favor among philosophers, but as a cultural attitude among intellectuals and academics it is still going strong. God-talk (the literal meaning of theology) is not fashionable, not even, it sometimes seems, in a college chapel.

The campuses of the old Protestant culture emphasized the importance of the Christian faith. Now their chapels still stand, but university policies have changed. There is probably no more striking instance of this than at Princeton University, over which both Jonathan Edwards and John Witherspoon once presided. Last year Princeton went looking for a new Dean of the Chapel. A Presbyterian of deep commitment and faith had retired, and his retirement provided the occasion for a reevaluation of the Dean's function. A trustee report came forth with a new job description: henceforth the Dean should be a person of "deep religious faith" but "above all, he or she must be personally gracious and open, and his or her own religious commitment must include sensitivity to the vulnerability of human finitude and the particularity and relativity of the views he or she espouses." The clauses following "above all" say everything that needs to be said about the distance Princeton has traveled.

Other evidences of disestablishment abound. Today the old idea that law has its roots in the Judeo-Christian ethic, as was believed at the Founding and throughout most of American history, is no longer much discussed, let alone believed in by many American legal philosophers and judges. The public philosophy of America, as Harold Berman has pointed out, has in the past two generations "shifted radically." Law is in theory no longer religious but secular; no longer moral but political and instrumental; no longer communitarian but individualistic. (People increasingly engage in "unnecessary lawsuits.") It is no wonder that Aleksandr Solzhenitsyn, at Harvard for the commencement address three years ago, left his audience stunned when he spoke of law in a religious context.

MEANWHILE, liberty, like law, has been severed from its religious basis. What Jefferson once called the "firm conviction" in the minds of Americans that their liberties derive from God is hardly so firm anymore, certainly not among political scientists, columnists, television personalities, and others who influence public opinion. Having been given its own existence, ontologically speaking, liberty fairly runs riot now. The distinction between liberty and license transmitted to us by the old Protestant culture has faded almost completely among the educated classes. Consider again the college campus, where the old doctrine of *in loco parentis* is out of fashion. Administrators now run their campuses as if there is no God, since virtually everything is permitted. Probably the most libertine societies in America today exist on those very campuses that were originally the creations of the old Protestant culture.

To be sure, many other parts of America are closing fast on the campuses. It is the style nowadays not only among the college-educated but also among many blue-collar workers to be economically conservative but socially and morally liberal. This, translated, means balance the budget but decriminalize marijuana and cocaine and let us have abortion on demand. If the liberalism of the 60's has a definite legacy, it is found in the far more liberalized and hedonistic lives many Americans, including many older Americans, and indeed many political conservatives, now lead.

The "Me-Decade" has been well chronicled. Perhaps less obvious, but no less significant, is the change in ethical *thinking* that has occurred throughout society. A book could be written on what has happened to the idea of character. People in authority—teachers, parents, and even ministers—resist the fact that they are in authority. They will not "impose" their values; the idea is to let the young "clarify" *their* "values" (now considered as relative as any matter of taste). Moral education is no longer rooted in the virtues of courage, temperance, prudence, and the like. It is full of form but empty of content. What matters is that you feel sure the "option" you have chosen for yourself is the right one for you. I have seen a course in "values clarification" offered to adults in a Presbyterian Sunday School curriculum—and as an "option," no less!

Perhaps because the old imperative of "America the Beautiful"—"confirm thy soul in self-control"—has become too hard to follow, ethical teaching, while studiously neutral about personal life, is as-

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siduously assertive in social matters. Where once the major emphasis was on tidying up the individual soul, on making it conform to reality, now the focus has shifted to the external world, to tidying up the laws that regulate the public lives of man and man (or woman). Where people, whether of secular or religious disposition, seem to feel most comfortable, and certainly most confident, is in talking about "social injustice" or "racism" or "poverty" or "exploitation." Recently I joined a panel at a major university on the subject of religion and virtue. A participant who was a professor of theology centered most of his remarks on "corporate sin." I don't recall his once mentioning the idea of virtue, let alone any particular virtue. Sometimes it is hard to find a difference between what ministers and theologians say and what many secular intellectuals say.

THIS, then, is the picture so far of an America that has experienced the cultural disestablishment of its old religion, the dissolution of its once "foremost" political institution. Consideration of a few trends within the Supreme Court will help complete the picture.

In 1947 the Supreme Court, in *Everson* v. *Board of Education of Ewing Township*, said the First Amendment "requires the state to be neutral in its relations with groups of religious believers and non-believers." This new doctrine of neutrality not only would seem to forbid the establishment of a religion—as Madison would have had it—but also the establishment of religion in general over non-religion and thus irreligion.

With its doctrine of neutrality, the Court has denied substantial public aid to elementary and secondary church-related schools. And by striking down prayers and Bible readings and now, this past fall, even the posting of the Ten Commandments in the public schools, it has acted according to an implicit doctrine that the public schools should be secular—and "value-free."

In 1961, in *Torcaso* v. *Watkins*, the Court so enlarged the definition of religion that an observer might say irreligion had now become a religion. The Court decreed that neither a state nor the federal government can "constitutionally pass laws nor impose requirements which aid all religions based on a belief in the existence of God as against those founded on *different beliefs*" (emphasis added). A footnote listed "Ethical Culture" and "Secular Humanism" among other examples of "religions" founded on "different beliefs."

In other contexts the Court has said that virtually anything may qualify as a "religion," so long as the "religious person" believes in whatever he believes in with, as Justice Black put it, "the strength of traditional religious conviction." This definition of religion celebrates individual conscience. It is hardly surprising that in cases involving "privacy" the Court has reduced public restrictions on private choice (as with its abortion decision in 1973). The legal trend here, like the cultural trend, has been toward a pronounced individualism in matters of religion and morals.

These trends of the Court round out the portrait. We are all "pluralists" now. And it should be stipulated that this is not altogether a bad thing. I doubt that any serious religious believer would wish a return to the days of intolerance that were an admitted ill of the old Protestant culture. But people who take religion seriously—and I mean here religion that has social and historical dimension, not merely something you might believe with "the strength of traditional religious conviction" in the midst of a Saturday night drunk—will find much in this picture that is disturbing. For the disestablishment of the old Protestantism has meant defeats not only for Protestants but for Catholics and Jews as well.

By contradicting the historical meaning of the establishment clause of the First Amendment, the Court has said, in effect, that promotion of religion is not in the public interest. Daniel P. Moynihan has correctly written that the recent decisions based on the establishment clause are "an intellectual scandal," and it is perhaps not too much to hope that the Court will one day reverse itself on this matter. Meanwhile, however, the severing of both law and liberty from their historic rooting in religion has serious and more immediate implications. Instrumentalists may argue that obedience to law can be brought about solely through the threat of coercive sanctions, but, as Berman has written, what is far more important is "the tradition of being law-abiding, which in turn depends upon a deeply or passionately held conviction that law is not only an instrument of secular policy but also part of the ultimate purpose and meaning of life."

As for the loss of the religiously-grounded distinction between liberty and license, we have all witnessed the proliferation of rights with no concomitant responsibilities that has been the result. With traditional religion now pushed to the margin of our public life, not only thanks to the Court's doctrines of neutrality and secularism but also, and more importantly, thanks to the pedagogy of school and college teachers alike, religion is less able to exercise its historic role as a political counterweight, as the voice of constraint and responsibility.

The shift in ethical thinking away from character formation toward personality adjustment and values clarification on the one hand, and social problems on the other, is perhaps the most disturbing change of all. The emphasis on virtues that the old Protestant culture provided was precisely what the Founding Fathers acknowledged their new Constitution could not provide. And yet the Founders also knew that just these virtues were what the best thinkers in antiquity had thought necessary to the maintenance of a republican order. If the old evangelical Protestantism had a special fire in it that burned the ancient virtues into the souls of men, the virtues them-

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selves were not special to that faith. For these were virtues agreeable to Catholic and rabbinical tradition, to the Deists of the Founding period, to the Greeks and Romans. The old Protestant religion understood, as ancient philosophy did, that politics is ultimately about the cultivation of character. It is unclear today that our modern culture even understands this point, let alone wants to deal with it.*

Even so, it is answered, by default if not by design. Protestant Christianity is no longer America's "foremost political institution," but this fact does not obviate the need for a system of values in which Americans can move and live and have their commercial (and now leisure) being. If our morality is not engrafted upon Protestant Christianity, it will be engrafted on something else—God only knows what. The brilliance of the Founding Fathers did not anticipate this situation, but surely they did not believe that any institution could ever be "value-free." We are all the time engrafting our way of life upon *some* set of values.

IF WE ARE today a secular society, we are still also a liberal society. And in the current groping toward what inevitably will be our public philosophy, the religious person is entitled, if not to prevail, at least to be heard. The religious person can expect to be allowed a voice in matters of public policy. He can expect that his religion will not disqualify him from speaking on political matters, and that if he offers a religious or ethical justification for his position on a public issue, it will not *ipso facto* be considered out of the bounds of public discourse. The question here is ultimately one of where you get your basic beliefs. If, as Michael Novak has written, we should be willing to let people get their politics as much from the Bible as from Gloria Steinem, then biblical or religious values should be permissible in public debate. Unless the free exercise of religion, vouchsafed in the First Amendment, is to mean only trivial whispers, something practiced in the closet, then it must mean a voice equal to that of anyone who is not religious.

The trends go against even this minimal kind of free exercise of religion. It has been argued by serious public philosophers that only a rational, utilitarian morality should ever be enforced by law, and that this morality by definition would exclude any influenced by or grounded in religious considerations. Today this argument, spoken by non-philosophers, is used against the Moral Majority and their kind. You cannot legislate morality, it is said, meaning you cannot legislate a particular kind of morality—the kind having to do with religion as traditionally conceived.

History is not irreversible, but the trends for the past hundred years suggest that traditional religion will have an increasingly marginal influence on our public life. America is still one of the most religious countries in the world, and yet church affiliation (40 percent of Americans profess one) continues to decline, as Seymour Martin Lipset and Earl Raab noted recently in these pages ("The Election & the Evangelicals," March). These are just the circumstances to expect in a country to which the Enlightenment came late. The much-touted religious renaissance of recent years does not promise to change this state of affairs, at least not soon. Lacking is what has been lacking in much of American religious life for the past hundred years—solid theological content—and on this score the seminaries that have brought us the "death of God," "liberation theology," and other similar inspirations cannot inspire hope. As for the turning of a few scientists toward God, this is hardly a full-blown theological revolution. To postulate, as Sir John Eccles has done, that the brain is the product of evolution but that only God could have created the mind may prove an invaluable service to religion. But we are still a long way from any *Summa*, and a longer way from a great cultural movement.

One need not hold a brief for Jerry Falwell, nor for his cousin evangelists who appear on the television screen in the shank of the evening, to acknowledge what they have done, which at the least has been to flush the anti-religious bias out into the open. The early reaction to Falwell was dominated by comments from civil libertarians who implied, ironically enough, that Falwell had no right to speak out on public issues. Such was not the reaction when the Reverend Martin Luther King wrote his letter from a Birmingham jail, but the hypocrisy is less interesting, I think, than the secular bias that produced it.

If, someday, people with traditional religious views should be effectively banned from public debate, not only will the free exercise of religion have been denied but a new religion will have been culturally established as our "foremost political institution." It would no doubt look very much like what the Supreme Court alluded to in its *Torcaso* ruling—the religion of "secular humanism." God save us from that.

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* Can a government, asks Francis Canavan, "committed to absolute neutrality among 'religions' . . . be capable of educating anyone? . . . The right questions were raised, but not answered, by Justice Jackson in his dissenting opinion in *Everson* where he said: 'Our public school . . . is organized on the premise that secular education can be isolated from all religious teaching so that the school can inculcate all needed temporal knowledge and also maintain a strict and lofty neutrality as to religion. The assumption is that after the individual has been instructed in worldly wisdom he will be better fitted to choose his religion. Whether such a disjunction is possible, and if possible whether it is wise, are questions I need not try to answer' " ("The Impact of Recent Supreme Court Decisions on Religion in the United States," *Journal of Church and State*, Vol. 16, No. 2, 1974).

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Locke and the Law of the Sea

Robert A. Goldwin

Powerful individuals and nations rarely have much need of philosophy; it is not usual for ignorance of philosophy to cost them much, if anything. But a rare moment in history is now upon us, a moment when access to resources worth billions of dollars could well depend on the right interpretation of an old philosophic formulation—that the oceans are "the common heritage of mankind." All the nations of the world, 160 of them, have assented to this principle as the foundation of the United Nations Conference on the Law of the Sea, which has been going on at least since 1973. The draft of a treaty near completion has been described as the single most extensive and complicated international agreement ever devised: among other things, it would establish an elaborate, autonomous governmental structure, the International Sea-Bed Authority—complete with an assembly, a council, several commissions, a secretariat, a "disputes chamber," and its own mining operation—with sweeping jurisdiction over "the Area" (the deep seas). And this immense international organization would rest on two succinct sentences in the treaty: "the Area and its resources are the common heritage of mankind," and "All rights in the resources of the Area are vested in mankind as a whole, on whose behalf the Authority shall act."

In all the deliberations of hundreds of nations, in thousands of hours of negotiation, hammering out compromise after compromise involving billions of dollars of future business, little if any attention was given to the question of what it means to say that the oceans are "the common heritage of mankind."

This is not at all a new question in philosophy. It was raised and well answered three hundred years ago, and so one would assume that there would be familiarity with it on the part of at least some of those who negotiated on behalf of the commercial nations and the corporations involved. Yet the spokesmen of the West went into the law-of-the-sea negotiations with an idea about "the common heritage of mankind" contrary to the truth and contrary to their obvious self-interest. And this misinterpretation has been advanced, year after year, by three successive United States Presidents, by a parade of diplomatic spokesmen, and by numerous supposedly sensible business leaders, not only of the United States but of just about all the modern industrial nations. They marched right to the brink and were pulled back only at the last moment, just as the tenth session of the Law of the Sea Conference was to begin at the United Nations in New York.

On March 2, 1981, the State Department announced that Secretary of State Alexander M. Haig had "instructed our representative to the UN Law of the Sea Conference to seek to insure that the negotiations do not end at the present session of the conference, pending policy review by the United States government," and on April 14, a U.S. delegate said that the United States would prefer to delay final resolution on the international sea-law treaty at least until the fall and probably until next year.

When the Reagan administration called this halt and insisted on a review, we were inches from agreeing to some or all of the following: that mining companies could invest billions of dollars to scoop up the nodules of manganese, copper, nickel, and cobalt that lie at the bottom of the sea only as licensed by the new International Sea-Bed Authority; that they would have to pay the Authority for the privilege; that they would have to put the Authority's own operating company (called the Enterprise) into business with capital and technology; that the United States and other developed nations would have a minimal voice within the Authority; and that all disputes, regulations, production levels (and hence, prices and profits) would be set by one or another organ of the Authority.

After so many years of pledging "to regard these resources as the common heritage of mankind" (President Nixon, 1970) and as interpreting "the common heritage" to mean "that the resources don't belong to any nation, but to the world community as a whole" (Ambassador Elliot Richardson, 1981), it will not do for the United States and our friends simply to say that we want a better deal for our efforts to scoop up the minerals from the depths. The only honorable route for the

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Reagan administration is to explain what the error has been—an error that all the nations have shared in—and to begin the necessary task of negotiating new laws of the sea from a sounder interpretation of "the common heritage of mankind."

HUGO GROTIUS is generally acknowledged to have formulated first, in 1609, the argument that the oceans beyond territorial limits belong to mankind in common, and the phrase that came into use was "the universal common." The meaning was that no nation could claim control of the seas as they did then and do now over territorial waters, and that therefore all have the right to traverse open seas for commerce and for fishing without being hindered or having to obtain anyone's permission.

But thoughtful writers saw that there is something not quite rigorous about the notion of a universal common, about something *belonging* to all mankind. Toward the end of the 17th century, John Locke, in his *Two Treatises of Government*, pointed out that when we say something belongs to everyone we really mean it does not belong to anyone. The use of the word "common" is what led to the confusion, and Locke sought to clarify matters by making an important distinction. Villages in England—and in many other countries, too—had what were called commons. In such a common, no villager could claim a right to enclose or appropriate any part without the consent of his fellow villagers. But although "the universal common" was meant to be an analogy to the familiar village common, a village common differs from a universal common—a common of all mankind—in two decisive ways. The village common is created by the law of the land—by positive, legislated, promulgated, enforceable law—and a universal common is not because international law is not really law but only agreed-upon practice and custom.

Second, though the village common is common to the inhabitants of that village, it is not common to others; the village common is property, the joint property of the village, to the exclusion of all others. The notion of owning requires exclusion. Something is yours only if others cannot use it or consume it without your consent.

Locke, the great teacher of the theory of property, put it this way: " . . . what fish anyone catches in the ocean, that great and still remaining common of mankind . . . is made his property who takes that pains about it." If we substitute the word "nodule" for "fish," cannot Locke's assertion be made even now, that the ocean is still a common of mankind (that is, unowned), and that therefore what nodules anyone scoops up are the property of those who take the pains—billions in investment and risk—to get them to the surface?

The answer is no, not quite. In an economic situation, says Locke, where there is a great expanse of land or water that is unowned, containing a great abundance of natural materials—apples or fish or nodules—property in these natural things is accomplished simply by the effort or labor expended in acquiring them. Even in a universal common, each human being owns himself and his own labor; therefore if he "mixes his labor," which is exclusively his, with the natural materials, which are unowned, the mixture becomes his property. But Locke goes on to explain that this is true only when there is such an abundance of natural materials that whatever is appropriated leaves enough and as good for others.

In short, the argument about fish in the unowned waters being free for the taking and the property of whoever catches them, satisfies us as a just and practical working rule so long as there is a great abundance of fish, but comes into question as soon as it appears that the supply of fish is limited.

The same is true, in Locke's own argument, of all other resources. For example, it would be foolish to complain, in a spacious park on a clear and sparkling day, that someone in the crowd is exercising too strenuously and breathing too deeply, and thus taking more than his fair share of oxygen. The reason is, in Locke's terms, that enough and as good is left for others. But if the same complaint were made in a disabled submarine lying at the bottom of the sea with a limited supply of oxygen and the rescue time uncertain, our judgment would be very different. No one would say that anyone may inhale as much as he pleases of the "common" oxygen; and the reason is simply that what is left may not be enough for the others.

With these considerations in mind, it is not hard to see why nations felt an urgency about setting new rules for the uses of the oceans. From 1960-1974 the world harvest of fish grew more than fourfold; in the same twenty-five-year period merchant-ship tonnage also increased fourfold. And then everyone acknowledged that a wholly new era was introduced first with the discovery of oil under the continental shelf off the coast of the United States, and, more recently, of the nodules lying on the floor of the oceans at very great depths.

These changes in the intensity of use of the oceans and the extraction of their non-fish resources make it difficult, perhaps impossible, for the oceans to continue to be regarded as a universal common, unowned and unregulated. Mining the nodules is different from fishing, as Elliot Richardson pointed out in a speech to the American Mining Conference last year, because "deep sea-bed nodules can't swim, and sea-bed miners aren't fishermen. Miners must have an exclusive legal right to a suitable ore body before they undertake the large, long-term investments necessary to recover and process the ore."

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In these new circumstances, the dispute is not whether new rules are needed. The real disputes are—or should be—what rules, made by whom, supervised by whom, and for whose benefit? Thinking straight about the meaning of "the common heritage of mankind" gives guidance on the crucial questions: Who comes to the conference table to formulate the new rules, and with what standing?

LET US go back to the beginning. When the assertion is made that the deep seas are the common heritage of mankind, it does not mean that every human being is a part owner of the international waters; much less can it mean that every nation considered sovereign is somehow a part owner. What it means is that the international waters are unowned. Thus when something must be done to make sensible rules for the use of these waters and the resources in them, nations come to the conference table in the status of non-owners. No-ownership is the problem in this case; no one has authority to govern the deep seas, and yet certain kinds of activities on them or in them would be beneficial, activities that are usually conducted under conditions of ownership or sovereignty. The task of the Law of the Sea Conference is to figure out some way to end the inconveniences inherent in a universal common, a situation without governance or property. Instead of proclaiming that "the Area and its resources are the common heritage of mankind," the conferees should face the fact that their task is to terminate the common for the sake of law and property.

The conference has been conducted on a completely opposite basis. Nations have come to the conference table as if they were stockholders, each with an equal share of stock and the equal voting right that goes with it. They took this formulation, "the common heritage of mankind," to mean joint ownership; added the twist that the shares belonged to sovereign nations, not individuals; and went further and decided that each nation's share was equal regardless of population, location, or involvement in the production or consumption of the minerals.

By thus assuming a meaning of the founding principle which is the exact opposite of its true meaning, they foreordained the result of the conference before it even began. They asserted that the unowned seas were indeed owned, by them, one share per sovereign nation, whether they had a sea coast or not, whether they had a population big enough to fill a football stadium or not. And —most amazing of all—they beguiled great commercial powers into believing them. They found the Achilles' heel of the great commercial powers —dire ignorance of the philosophical foundations of private property. And so the swindle was launched on the seas—and named, with exquisite Orwellian irony, the Enterprise.

WHAT can be done? The remedy is easier now that President Reagan and Secretary Haig have taken the first and most difficult step of stopping the headlong rush to disaster. Let the review begin and let the United States formulate a position based on an honorable adherence to principle and sound interpretation.

We can start by announcing that we accept the principle that the deep seas are "that great and still remaining common of mankind," as our teacher John Locke taught three centuries ago. Next, let us point out that the meaning of this principle, clear beyond dispute, is that until some agreement changes the status of the deep seas, no nation owns them or can prohibit taking anything from them. Being unowned, in the absence of new agreements, the nodules are free for the taking, just as loose fish are in international waters, and no nation or international body has any right to interfere. Let us further point out that the world is in need of natural resources, including those metals now lying useless (because unappropriated) at the bottom of the sea, and that so long as we delay the mining of them we deprive all mankind of their benefit.

There is thus an urgent task to be worked out at the conference table. Let nations properly concerned with these matters come together, but let it be understood that no nation can come to the table in the guise of a shareholder, or with any kind of claim to owning what lies in these seas, or to a right to hinder appropriation of the nodules, *because* they are "the common heritage of mankind." No nation has a *right* to any particular share; no nation has a predetermined voice or vote in what is to be done; no one has *any* authority until and unless there is an agreement about what is to be done.

In short, the main corrective that results from a clearer understanding of what "the common heritage of mankind" means is that the status of the conferees is altered. The Law of the Sea Conference is not a meeting of equal shareholders, each with one vote. It is a meeting of nations coming together to decide who should have what to say about the rules that would govern the use of territory that is now unowned and therefore unregulated, but which needs to be regulated.

Once the United States states clearly that we do not start from the principle that the permission of others is needed to remove fish or nodules from unowned seas, we should reopen all of the understandings tentatively reached regarding these deep sea-bed resources when we were under the misapprehension that we were participating in a shareholders' meeting. We should take a stance appropriate to a free commercial society and ask why the nodules should not be mined by private entrepreneurs for profit.

Until now, the majority of the spurious "stockholders" have argued that if some of the nodules

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are mined by private firms, that must be done in tandem (parallel) with mining by the Enterprise "for the good of the world community." The underlying theme was first enunciated by Arvid Pardo, the Maltese delegate to the United Nations in 1967. Ambassador Pardo was the first in the United Nations to use the phrase "the common heritage of mankind" to describe the deep seas, and he is the one who described the task as a race between "the good of one" (meaning the nation-state acting in its own selfish interest) and "the common good" (meaning the United Nations and other international organizations).

But why should we, the United States and other exemplars of the democratic-capitalist system, agree to such a distinction? It should be made as clear to the rest of the world as it is (or should be) to us that what justifies encouragement to private enterprises is that all of society benefits.

Further, we should insist on reviewing the protectionist regulations proposed by the Authority to restrict competition with the manganese and other metals now mined in some Third World countries. The draft treaty proposes that supplies and prices should be regulated by an international body in order to preserve a "just" price and an orderly market. This translates to international governmental control over world commerce, founded on the conviction that government officials can manage a more rational system of production and distribution than can a free market. The least of the harmful effects would be higher prices throughout the world for manganese, copper, nickel, and cobalt. More important, however, would be the inordinate control over important activities placed in the hands of officials who have been self-selected and who are accountable primarily to themselves and other international bodies and officials, but not to nations and peoples.

There is one more very important point that ought to be reviewed by the United States and its friends before they go forward toward any treaty regarding rules governing the use of the seas. The elaborate system now incorporated in the draft treaty would provide income to the Authority through its operating arm, the Enterprise. The private mining companies would be required to set up the Enterprise in business, provide it with capital, technology, and a share of the mining business.

The whole arrangement is so complicated that many experts acknowledge that they do not understand it themselves. But it is clear, nonetheless, that this new and autonomous arm of the United Nations, dominated by Third World nations, would have an assured income of quite considerable size to be used "for the benefit of the world community." The officials of international organizations, the international civil servants who serve as staff and experts for organizations such as this proposed International Sea-Bed Authority, have been searching for years for some means of obtaining funding without having to rely on the contributions of member nations, especially the members who make big contributions, and most especially the member who makes the biggest contribution by far—the United States. If they could be free of reliance on what the U.S. puts in, and then be free of the strings that naturally result, the UN and other international organizations would have the independence for which they yearn. The report of the Brandt Commission contains a proposal for international taxation, assured revenue provided by mathematical formula, some way to reduce the influence of rich members who control the purse strings. An income-producing business operation, tax-exempt and untouched by competition, would be even better.

With other people's capital and technology, the international civil servants are put into business, and with the gain they will become independent. And part of the rules they have developed and to which we were so close to agreeing, is control over the mining activities of the companies that have the technology. This would be a minor boon to some poor countries, but a major boon to those who staff the international organizations. They are officials quite decisively separated from their native countries (in fact, that is an explicit provision for officials of the Authority and the Enterprise) and what we have here, starting in the deepest parts of the ocean, but with sweeping authority over almost all activities on the seas, is a large, complicated, highly organized, unelected, powerful government, with abundant funding that cannot be controlled or reduced or cut off. Americans ought not to cooperate in the establishment of any such "Enterprise."

These, then, are the principles with which the United States should return to the Law of the Sea Conference. No doubt such a stance on our part will mean that there will be many more years of negotiating before agreement can be reached, if at all. Ambassador Richardson, when addressing the American Mining Congress, acknowledged that being right does not always mean that others will go along: "Our view, as you know, is that deep sea-bed resources may be recovered lawfully by any state or its nationals as an exercise of a traditional high-seas freedom. We see nodules as analogous to the living resources of the high seas—the fish—that are found beyond the two-hundred-mile fishery zone. This is not merely a defensible position but one that rests on a solid foundation of established international law. There are, however, difficulties with it. One is that it is totally rejected by most governments, including those of all the developing countries."

But we should not abandon a position that is philosophically sound and rests on a solid foundation of established international law just because

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others disagree. If it is right and in our interest, we must persevere though we may not succeed. But if we do succeed, it is probable that it will take years even so to persuade so many others.

For that reason, a short deadline should be placed on commencing the mining of the nodules while negotiations proceed. Demands will be made that the new system must benefit the world community and not the corporations or the rich countries, but in the meantime the nodules remain at the bottom of the sea benefiting no one. In the interest of the world community, which suffers from a shortage of these metals, no more delay should be tolerated. Let the nations settle on temporary arrangements to make mining possible in accord with the principles set out above, and let it commence without delay as the conference continues deliberations.,

If that cannot be done, then let the companies begin, with guarantees of protection from the United States and other nations willing to join in, until such time as the conference can settle on rules acceptable to all.

AND when the nodules are recovered, processed, and marketed, and when the profits are reinvested and distributed to stimulate further development, as profits always must be, perhaps the corporations will consider investing a small portion of the surplus in sending their executives back to school to learn a little of the philosophical theory of the origins of private property and why they should not be hesitant in their assertions that profit serves the common good. The most profitable return of all would be for the spokesmen of the free commercial societies to learn how to explain the connection of economic liberty and political liberty to those who have neither and long for both.

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IQ on Trial

Nathan Glazer

WE ARE ALL increasingly governed by judicial decisions. Decrees of the court tell state officials and employees, teachers and school administrators, staff and administrators of hospitals, mental hospitals, schools for the retarded, government contractors, and indeed all employers, what they may or may not do. Lawyers interpret these decisions for the rest of us, who may well be called the defendants; and these days, more and more of us are defendants.

One prominent group of constitutional interpreters would have us believe that judges are trained to be cautious, and intervene in the social arena only when the evidence of violations of Constitution, law, and regulation is overwhelming. Yet if we actually take the time to read cases, we find that this picture bears little relation to the truth. Whatever the old training of judges, the new training—whether given by circuit and Supreme Court decisions overruling lower judges, by activist attorneys, by court clerks who have studied law with interventionist professors, or simply by a spreading judicial philosophy which allows judges to read their personal views into law—makes for a very different sort of judge.

There is something to be learned by studying judicial decisions of large scope and significance. When, in California, at the end of a long trial, and in the course of judicial proceedings which were already almost a decade old, the decision came down to forbid the use of IQ tests in the placement of black children in classes for the educationally backward, an important landmark had been passed. The case, which involved the testimony of leading experts from around the country and pitted able lawyers against an impressive roster of defendants, affected thousands of people, will govern educational decision-making in the largest state in the country, and will play a substantial role in shaping our whole educational system. The Department of Justice, which appeared in the case as a friend of the plaintiffs, has energetically sought to extend the reach of the decision into other jurisdictions.

No mean case, one would think, and the decision must reflect that careful marshaling of evidence, that sound and convincing analysis, that demonstration of unfeeling and insensitive bureaucratic action that is necessary to convince the millions of people who have in some way or other made use of intelligence tests that such tests are deeply flawed and should play no role in educational decision-making. One-hundred-ten pages in elite double-spaced type, with twenty-one additional pages of single-spaced footnotes, coming at the end of a trial that produced a transcript of 10,000 pages and at the beginning of a process that will produce many more thousands of pages of reports from the state of California and all its school districts for years to come, the decision is written to instruct and convince—it goes far back into history, it reaches into issues of genetics, social deprivation, and culture, it makes use of statistics and expert testimony to arrive at serious and far-reaching conclusions. What do we learn from the decision, and the quality of the evidence and reasoning that it presents?

THE case is titled *Larry P.* v. *Wilson Riles*, Superintendent of Public Instruction for the state of California, *et al.*—the *et al.* includes the members of the California State Board of Education, the Superintendent of Schools for San Francisco, and the members of the San Francisco Board of Education. The decision was handed down October 16, 1979. It found unconstitutional the use of intelligence tests to place black children in Educable Mentally Retarded (EMR) classes.

The initial complaint was filed November 23, 1971, in the United States District Court for the Northern District of California. Judge Robert F. Peckham, whose decision we will analyze, has been dealing with the case ever since. He recognized a class action on June 20, 1972, and at the same time granted a preliminary injunction in favor of the plaintiffs. They were "refrained from placing black students in classes for the educable mentally retarded on the basis of criteria which place primary emphasis on the results of IQ tests as they are currently administered, if the consequence of the use of such criteria is racial imbalance in the composition of such classes."

The defendants appealed to the Court of Appeals for the Ninth Circuit, which upheld the de-

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cision. On December 13, 1974, the plaintiffs moved to expand the injunction, and the defendants were then restrained from applying to black children intelligence tests "which do not properly account for the cultural background and experience of these children," or listing such tests as approved, or placing black children in EMR classes on the basis of these tests. In January 1975, the defendants stopped using IQ tests for EMR placement for all children.

When the case began, the plaintiffs alleged only violations of the federal Constitution. In early 1977 an amended complaint added other violations: of Title VI of the Civil Rights Act of 1964, of the Emergency School Aid Acts of 1972 and 1974, of the California Constitution, and of several sections of the California Education Code. On August 8, 1977, the United States Department of Justice moved to participate as *amicus curiae*, thus indicating it thought serious violations of rights were occurring in the California EMR program. The Department of Justice alleged that use of IQ tests to effect the placement of black children in special-education classes violated the Education for All Handicapped Children Act, and Section 504 of the Rehabilitation Act of 1973.

IN THE introduction to his opinion, Judge Peckham writes:

> The court has been necessarily drawn into the emotionally charged debate about the nature of "intelligence" and its basis in "genes" or the "environment." This debate, which finds renowned experts disagreeing sharply, obviously cannot be resolved by judicial decree. Despite these problems, however, court intervention has been necessary. The history of this litigation has demonstrated the failure of legislators and administrative agencies to confront problems that clearly had to be faced, and it has revealed an all to [*sic*] typical willingness either to do nothing or to pass on issues to the courts.

Here, Judge Peckham alerts us, is one of those cases that defenders of judicial intervention have in mind. A failure of the legislature and the administrative agencies has forced a judge who might be happier presiding over modest civil and criminal suits to undertake, reluctantly, a massive examination.

Judge Peckham details the nature of this legislative and administrative failure. He begins far back with the now traditional history of IQ tests—traditional, that is, among critics of instruments of classification. In the 1920's, he writes, American proponents of intelligence tests believed that intelligence was fixed and inheritable and that different races and ethnic groups had different proportions of feeble-minded. In 1921, the state legislature of California authorized special classes for the mentally retarded. This early history is clearly intended to color our attitude toward present-day intelligence tests. Judge Peckham writes: "Special education and the IQ testing that justified its existence thus found an enduring place in California in the 1920's, and the assumptions brought to the special classes survived long past the presumed 'scientific basis' for them."

Judge Peckham seems to be saying that were it not for IQ tests with their flawed intellectual history, there would be no special-educational classes. But he provides no evidence that IQ testing ever "justified" special education. Special education, one would think, was occasioned by the existence of students who, in a compulsory and universal system, seemed, for whatever reasons, to be incapable of learning in regular classes. Only in this sense was the problem "new" in the 1920's; earlier, such children would not have appeared in school.

Be that as it may, the fact that IQ tests were becoming popular at the same time that the social sciences looked with favor on racial explanations hardly serves to give a racist background to the use of IQ tests to place students in special education *today*. Yet this is the intellectual history Judge Peckham constructs in order to justify, not in law, of course—because it is hard to see how the intellectual orientation of IQ test proponents in the 1920's would bear on the constitutionality of test use in the 1970's—but as a matter of rhetoric, a decision that will ban IQ tests as unconstitutional.

Despite authorization by the California state legislature in 1921, few special classes were created, since there were no funds for them. After World War II new funding became available, and special education of various kinds flourished: for "educable mentally retarded," "trainable mentally retarded," "culturally disadvantaged minors," and "educationally handicapped minors."

In 1968-69 there were 58,000 children in EMR classes, of whom 27 percent were black (9 percent of the California school population at that time was black). And by 1969 the legislature began to be worried about improper placement in EMR classes. Undoubtedly this concern was spurred by the political and educational leaders and writers who in the late 1960's were demanding better education for minorities, attacking segregation, and criticizing improper classification of black children.

In the next few years, the legislature was hardly inactive. In 1969, Judge Peckham states, it specified that admission to special programs for the mentally retarded should be decided "only on the basis of a local admission committee which shall include a teacher, a school nurse or social worker, a school psychologist or other pupil personnel worker authorized to serve as a school psychologist who has individually examined the minor, a principal or supervisor, and a licensed physician." The law also required "annual reviews of EMR placements and consultations with parents prior to enrollment." A House resolution in 1969 acknowledged the "mounting criticism of certain minority

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groups" that disproportionate numbers of their children were being placed in classes for the mentally retarded, and called on the State Board of Education to make suggestions for legislation. A report was prepared, and another resolution asserted that "There does exist a disproportionate enrollment of Spanish-surname and Negro children in classes for the educable mentally retarded."

In 1970, the legislature, "[F]ollowing a 1969 regulation adopted by the State Board of Education, for the first time required by explicit statutory provision that an IQ test selected from a list approved by the State Board of Education be given for EMR placement." It would appear from the sequence of events that this was one of a number of measures taken to *limit* the placement of black and Spanish-surname children in EMR classes. For the same legislation provided for the testing of children in their primary home language; placement in an EMR class was prohibited if a child scored better than two standard deviations below the norm. As Judge Peckham notes:

> Written parental consent, obtained after an explanation of the EMR program, was required before placement . . . and the Department of Education was required to prepare an annual report for the state legislature on placements into EMR classes. . . . Another new enactment of 1970 required that all children present in EMR classes be retested according to the new statutory cut-off. Further, annual reports were mandated by all school superintendents in districts where there was a signficant disproportion in the enrollment of minorities in the program.

So many restrictions and requirements now hemmed in EMR placement that, it seems reasonable to conclude, school authorities would have suggested it to parents only when they truly believed it was the best solution for the child.

In 1971, the legislature went further, declaring (in Judge Peckham's words) "that there should not be disproportionate enrollment of any socioeconomic minority or other ethnic group pupils in classes for the mentally retarded." By fiat, the legislature thus declared that all ethnic groups and income classes must be equally represented, regardless of need. But to Judge Peckham the resolution did not go far enough: "No teeth were given to this declaration," he writes. Additional requirements were then imposed—that test scores be substantiated by "a complete psychological examination by a credentialed school psychologist investigating such factors as developmental history, cultural background, and school achievement . . ., and that there be studies of 'adaptive behavior' and home visits for observation, with the consent of the parent or guardian."

It was under these circumstances, which would seem to offer abundant evidence of legislative concern and administrative action, that the court accepted the complaint of the plaintiffs and enjoined the use of intelligence tests for the placement of children in EMR classes in 1972. Since then, there has been more legislative action, in 1974 and 1977, providing "further protections" to EMR students.

Just what are EMR classes? They are for those "whose mental capabilities make it impossible for them to profit from the regular educational program," according to a state handbook. The curriculum "is designed to help students learn the skills necessary to return to the regular instructional program." The goals are "social adjustment" and "economic usefulness." Students are placed in these classes at about the age of eight or ten, are not expected to move out, and remain there until graduation from senior high school. Less than 20 percent ever return to regular classes. Certainly one can agree that improper placement in such a class would hurt a child who is capable of learning in a regular classroom.

Blacks are clearly overrepresented in such classes. Between 1968-69 and 1976-77, the percentage of black children ranged from a high of 27.06 to a low of 22.61, while black children in the student population at large ranged between 9 and 12 percent. During this same period the overall number of children in such classes dropped drastically, from 57,148 to 19,289, but the black percentage hovered around a quarter.

There are surprising differences among school districts in the percentage of black (and white) children enrolled in such classes. Many cities, including Oakland and Compton, which are black-majority cities with black-dominated city governments and school systems, have proportionately higher rates of enrollment of black students in EMR classes than does San Francisco. One is left to wonder why the case was brought against San Francisco. And Inglewood and Long Beach, for example, show no substantial differences in the rate of enrollment between black and white children. These variations would be worth examination, but are not referred to.

Judge Peckham now explores the reason for the disproportionate placement of black children in EMR classes. Are IQ tests the answer? His attention is particularly engaged by the fact that in 1969, the State Board of Education adopted a requirement that only a test from an approved list could be used for EMR placement. (There was already a requirement that some "verbal or nonverbal" intelligence test be given.) To Judge Peckham it is very suspicious that in 1969, with much agitation over the concentration of minority children in EMR classes, and with the furor over Arthur Jensen's article on the genetic basis of intelligence in the *Harvard Educational Review*, the Board should have taken such action. He writes, "The circumstances surrounding this change reveal much about defendants' attitude toward mi-

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norities in EMR classes." For the absence of a prescribed list earlier had meant "there was at least a possibility that particular school districts could avoid relying on tests that had a discriminatory impact on minorities." Unfortunately, there is no evidence in the opinion or elsewhere that there are such tests; this assertion is based on a nonexistent possibility.

Why does Judge Peckham make so much of the new requirement that a test from an approved list be used? Because, as we shall see, he wishes to demonstrate an "intent" to discriminate on the part of the State Board. Thus he ignores the obvious reason for the creation of the approved list: namely, to respond to complaints about the EMR placement process by insuring that only respected tests be used; to make it harder to place children in EMR classes; and to protect the Board from charges of discriminatory behavior and possible suits. How this explanation can escape Judge Peckham is mystifying, since he has just presented a table showing that, after this requirement was adopted, the number of children placed in EMR classes dropped rapidly. Certainly logic requires the conclusion that since the creation of the list (along with the other changes of the time) *reduced* the number of children placed in EMR classes, that may have been its intention.

Judge Peckham also finds suspicious the way the list was compiled. One hundred school psychologists and county offices of education were queried as to their suggestions. The list included the expected and widely used Wechsler tests, the Stanford-Binet, and some others. To Judge Peckham, however, building his case, "[T]his extremely quick and unsystematic method of selecting these tests raises serious questions about the intentions of officials in the SDE [State Department of Education]." Judge Peckham makes much of one letter from the co-chairman of the testing committee of the California Association of School Psychologists and Psychometrists. Yet while that letter does question the urgency of establishing a list of "approved" intelligence tests, it also states: "I think it would be safe to say that most psychologists within the state would approve of the requirement that only individual intelligence tests of the stature of the WISC, or the recent revision of the Stanford-Binet, be employed for the purpose of obtaining clinical data which will contribute to the labeling process." It is just these tests that ended up on the approved list. (The psychologist, from his letter, appears simply to be trying to give some expression to the popular view that something is wrong with tests for minorities, without attacking the usefulness of intelligence tests generally.)

Judge Peckham writes, "by relying on the most commonly used tests, they opted to perpetuate any discriminatory effects of those tests." On the contrary, it seems clear that the state defendants, responding to criticisms of disproportionate black placements in EMR classes, made it generally harder for local school districts to place *anyone* in EMR classes, and this did reduce the numbers in such classes.

Still, those who were so placed—presumably in the first instance because teachers could do nothing with them—remained disproportionately black. But just what effect on the placement of black children did IQ tests have, in view of all the other requirements that had to be met before placement was possible? We can find out by examining the evidence on placement of minorities since the moratorium on the use of IQ tests was imposed in January 1975, and Judge Peckham does so.

Two charts are displayed on placements in the major districts of California for 1973-74 and 1976-77. Some of the largest districts (Los Angeles, Oakland) show no change at all, while in San Francisco, co-defendant in the suit, the percentage of black students placed in EMR classes was almost halved. Judge Peckham writes, ". . . [T]he results are not uniform, but uncontradicted expert testimony based on totals indicates that the 4 percent drop in the placement of black children into EMR classes—50 percent to 46 percent—is statistically significant and therefore not likely to have occurred by chance."

One wonders how such shabby "testimony" could have been allowed to stand "uncontradicted" by the defendants, for in law uncontradicted testimony is truth. The fact that the percentage of black children being placed in EMR classes dropped a modest four points between 1973-74 and 1976-77, a drop easily explainable by the big reduction in San Francisco, the defendant in the suit, enabled Judge Peckham to conclude that the moratorium on IQ testing *might* have been responsible, and thus gave him the opportunity to go on to an elaborate examination of the IQ test itself. But the evidence showed the IQ test was irrelevant to the issue of the disproportionate placement of black children in EMR classes.

As is well known, black children score on the average one standard deviation below whites on intelligence tests. That, to Judge Peckham, is the problem, for as he writes, "An unbiased test that measures ability or potential should yield the same pattern of scores when administered to different groups of people."

There is of course no reason why it should. Studies regularly show substantial ethnic differences in achievement on different kinds of tests, and these are grounds for exploration rather than for dismissing tests altogether. Judge Peckham writes that while IQ tests have been modified to yield the same distribution for boys and girls, "No such modification on racial grounds . . . has ever been tried by the testing companies according to the testimony at this trial." But researchers *have* tried, without success, to develop tests in

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which blacks would score as well as whites, even if testimony to this effect was not presented at the trial (see Arthur Jensen, *Bias in Mental Testing*, Chapter 14, for a massive survey of these efforts).

One can, it is true, devise tests in which blacks will do as well as or better than whites; but they are not tests of the skills recognized as useful by schools or society. There is no easy substitute for reading and understanding simple language or for doing simple calculations—and these are the kinds of tasks we test in the IQ. The problem, as Judge Peckham himself realizes, is that "[E]qualizing scores of minorities in intelligence tests . . . raises difficult questions regarding which skills are appropriate for our schools and society.' . . ."

To explain the group difference in test scores, Judge Peckham briefly explores the genetic argument but decides it will not do. He then proceeds to socioeconomics. He accepts the idea that children *can be* handicapped by poverty, but he writes that "the question before the court is whether such disadvantage leads not only to poorer test and school performance, but also to the condition of mental retardation thought to justify placement of [*sic*] EMR classes." But is that really the question before the court? Is it not whether intelligence tests should be banned as one instrument in making a complex decision as to the benefit a child might glean from being placed in an EMR class? "Educable mentally retarded," whatever the suggestion in its name, does not refer to a clinical condition which may (or may not) be related to socioeconomic condition; it refers to children who simply do not get anything out of regular classes but may get something out of classes which emphasize intensive drill and other approaches that will impart necessary minimal skills. There is no question that a strong relationship exists between low socioeconomic status and learning problems, and this is common for all groups regardless of race, creed, or color.

Having disposed of genes and poverty, Judge Peckham moves to the cultural bias of IQ tests. "The first important inferential evidence," he writes, "is that the tests were never designed to eliminate cultural biases against black children; it was assumed in effect that black children were less 'intelligent' than whites." This is a gross non sequitur. The fact that the tests were not designed to eliminate cultural biases says nothing about assumptions as to the intelligence of black children. The tests were not designed to eliminate cultural biases against Chinese, Japanese, Vietnamese, Mexican, Jewish, or any other kind of children, yet some groups do better on the tests than whites and Anglo-Saxons. And however well or badly they do at any one point in time, their performance has changed over time and with acculturation. At least Judge Peckham, after making much of the fact that the tests were originally standardized for white populations, does point out that they were re-standardized in the 1970's, using samples that included black children in their proportion in the population at large.

Judge Peckham also offers as evidence of cultural bias the fact that black scores are higher if children have had the benefit of early-intervention programs or when black children have been raised in white homes. But this is no evidence of test bias against blacks: poor white children can also score higher through intervention programs and through being raised in middle-class families. The issue is not whether groups of children vary through their exposure to the kinds of items that appear on intelligence tests, or to the kind of culture which is used as a norm to judge whether items are correct or not. Of course they do. The issue, rather, is whether the distortions created by these tests are so great that no use may be made of them in devising suitable educational programs. Judge Peckham decides, on the basis of the most casual and inadequate examination, that they are.

He concludes: "To the extent that a 'black culture' . . . exists . . . these tests cannot measure the capabilities of black children. This important conclusion will be considered very carefully in relation to the legal analyses developed below." This is a rather startling conclusion because Judge Peckham has not heretofore told us that a black culture does exist, and has referred to only one piece of specific testimony as to the bearing of black culture on test performance. If the fact that blacks do worse than whites on intelligence tests is to be taken as evidence of a distinctive black culture, all we have done is to engage in circular reasoning and to beg the question—which is, what is the source of this difference? Judge Peckham seems to have decided it is . . . black culture.

Another possible conclusion: even if intelligence tests measure no innate traits or useful skills, those who cannot perform these skills might better be placed in EMR classes where at least very basic skills will be learned. But Judge Peckham tells us this conclusion will not do. "To give up so easily on black children is simply not justified." But is placement in EMR classes "giving up"? Is it not "giving up" to leave children in classes where they are not learning at all? There is no further reference to this possibly valid conclusion.

Judge Peckham could have, and I beleive should have, dismissed this case on the basis of evidence that intelligence tests are only one of many factors taken into account in placing children in EMR classes; that California law is meticulous in specifying various substantive and due-process safeguards to prevent children from being inappropriately placed; that in any event the child's parent or guardian may reject such placement; and that, after the use of IQ tests was banned by a preliminary injunction, no substantial effect could be discerned on the proportion of black children placed in EMR classes. Instead, he conducts an indecisive inquiry—indecisive despite 10,000 pages

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of transcript and testimony from many experts, because experts disagree and the matter is complicated—as to why blacks do more poorly on IQ tests, decides the answer is black culture, and on this wobbly foundation of "fact" goes on to address the legal issues.

To Judge Peckham, Title VI of the Civil Rights Act of 1964 provides a very strong statutory support for the plaintiff's case. It reads, "No person ... shall, on grounds of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." He also leans heavily on the Supreme Court decision in *Lau* v. *Nichols*, where the Court asserted that San Francisco had violated Title VI by not providing instruction oriented to the needs of non-English-speaking Chinese children.

But how this supplies a precedent is mystifying. In *Lau*, San Francisco school authorities violated the law by *not* providing special English-language classes, which Chinese-speaking students urgently needed. In this case, San Francisco (and California) specifically *did* provide the kind of education the plaintiffs' condition required. In addition, while there may have been some feeble ground for considering San Francisco discriminatory in *Lau* because it treated all children alike regardless of need, in this case children's needs were carefully differentiated. Finally, the operative point of Title VI is differential treatment on the basis of race, color, or national origin; this might be taken to apply to a group of Chinese children who were not given a program tailored to their needs as Chinese speakers, but in this case no one claimed that the plaintiffs were defined primarily by color and race—after all, the overwhelming majority of black children *do* attend regular classes, and even if black children are disproportionately represented in EMR classes, they still make up an infinitesimal percentage of all black children. Under these circumstances, how can one claim that their differential treatment is owing to race rather than to a judgment of educational need?

By Judge Peckham's reasoning, any educational program which disproportionately selects from one or another group violates Title VI; he is indifferent to the ground of this selection, looking only to the "effects"—disproportionality. Athletic requirements for school teams, verbal requirements for creative-writing classes, mathematical requirements for special programs would all be suspect, for on such tests different ethnic groups achieve differently. And so to Judge Peckham, "*Lau* ... at a minimum prohibits confinement of blacks to EMR classes because of their culture." But *Lau* cannot possibly mean that, because its effect was indeed to "confine" Chinese children to distinctive classes because of *their* culture—just what Judge Peckham says it prohibits. Further, *Lau* speaks to the special educational programs which most of the members of a distinctive group might need. But here the distinctive group neither needs nor gets a special program, because 99 percent are in regular classes. The courses of the law are wonderful, but not often so wonderful as when Judge Peckham bends *Lau* to his needs in the case of *Larry P.*

If the *Lau* decision, based on a regulation interpreting the Civil Rights Act of 1964, is not sufficient to buttress Judge Peckham's findings against the state, other legislation comes to his aid. The Rehabilitation Act of 1973 and the Education for All Handicapped Children Act of 1973 were written to discourage the segregation of handicapped children. Tests used for placement of the handicapped must be properly validated, and cannot be racially and culturally discriminatory. The defendants argued that the standards for validation used by the Supreme Court in *Washington* v. *Davis* (1975) should be followed. In that case, a test on which black candidates for police work did worse than whites was found by the Court to be non-discriminatory because it predicted success in the police training program, and was thus properly validated.

Here Judge Peckham makes a distinction between validation for purposes of employment and validation for purposes of education. While the distinction is sound—the state (or any other employer) should not be required to hire less competent employees, but a compulsory education system must educate all its children—his further assertion, that tests must be validated separately for blacks, is not. "The law is," writes Judge Peckham, quoting a federal regulation, "that the defendants must come forward and show that they [the tests] have been validated for each minority group with which they are used." (Judge Peckham could have added, but only for those minority groups who perform poorly on them.) Examining the extensive trial record, Judge Peckham concludes that intelligence tests do not predict need for EMR placement for blacks as well as they do for whites.

Finally, Judge Peckham asserts that even if the IQ tests are to some degree valid, the fact that they select disproportionate numbers of blacks means that the plaintiffs are entitled to require the state to use less discriminatory alternatives that would serve the objective as well. Since the moratorium on IQ tests, the state has used such alternatives (which are the same mechanisms it had required earlier in association with IQ tests) and there is no evidence they have not worked. So the state can do without IQ tests. But these alternatives to IQ tests also select disproportionate numbers of black students. "Less discriminatory alternatives have been developed," Judge Peckham writes, "but they have not been apparently validated, and they are still producing intolerable disproportions in EMR classes. If EMR classes are to

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continue in their present form, the state will have to make a better effort."

The "better effort" is clearly some selection procedure that will choose students for EMR classes in equal proportions from each racial group. Yet how can one insure that a procedure dealing with individuals will select proportionately by race unless one does just that, namely, select proportionately, through a quota? That, indeed, is what Judge Peckham expects the state to do in its "better effort."

Having reviewed the federal statutes and the regulations that implement them, and shown that they forbid the use of IQ tests, Judge Peckham approaches the equal-protection clause of the Fourteenth Amendment. It was on the basis of this clause that the plaintiffs originally charged, in 1971, that the use of IQ tests was unconstitutional. Here Judge Peckham is concerned to supplement his findings of transgressions of federal statutes with a finding of *constitutional* violation. Can he show not just a discriminatory effect or result but actual *intent* to discriminate?

In the troublesome *Washington* v. *Davis* case, the Supreme Court asserted that disproportionate impact "is not the sole touchstone of an invidious racial discrimination forbidden by the Constitution." "Intent" or "purpose" to discriminate is necessary. Unfortunately the Supreme Court has given little clear guidance on what it means by "intent" or "purpose." Some circuit courts of appeal take the position that "school boards and others charged with discriminatory intent intend the natural and foreseeable consequences of their actions." The Ninth Circuit, in which Judge Peckham's court is located, has adopted a more stringent standard, requiring a "determination that the school authorities have intentionally discriminated against minority students by practicing a deliberate policy of racial segregation."

To secure his decision, Judge Peckham wants to show discriminatory intent under this standard—that is, to show that the defendants wanted to, intended to, isolate disproportionate numbers of black children in EMR classes because they were black. One would think this a difficult showing to make against defendants headed by the black Superintendent of Schools of California, Wilson Riles, and including a State Board of Education appointed by Governor Jerry Brown. But Judge Peckham does not flinch. Constitutional law, in the hands of a determined judge, is these days infinitely flexible. He finds the evidence for this impermissible intent to segregate black children in that same 1969 requirement by the State Department of Education that the intelligence test given to a child before placement in an EMR class be one selected from an approved list.

It would seem simple common sense, as I argued earlier, that this provision was adopted as one of numerous safeguards to *prevent* improper placement in EMR classes. But to Judge Peckham it rather demonstrates the forbidden intent to segregate. How?

"First, it is obvious that the decision to require the administration of one of the approved IQ tests prior to EMR placement had profound discriminatory effects." As we have already seen, however, the moratorium on IQ tests did almost nothing to reduce the proportion of black children sent into these classes, and there also is no evidence that the earlier decision to require one from the approved list had any effect at all on the proportion of black children going into these classes.

Second, "the history of IQ testing and special classes for EMR in California is a tainted one." By this Judge Peckham refers once again to the racist assumptions of some early creators and advocates of IQ tests. But can this be relevant in considering the "intent" of the current Superintendent and Board? The facts in the past and in the present are that disproportionate numbers of black children are slow learners. In the past, this was ascribed to racial inferiority, the prevailing social-scientific doctrine. Today, it is ascribed to a heritage of discrimination, or poor nutrition, or cultural isolation, or some other factor. In what way is the history of the varying interpretations of the genesis of learning difficulties relevant to demonstrating "intent"?

Third, as mentioned above, Judge Peckham finds something odd in the timing by which the requirement for IQ tests was established. "In the midst of substantial public controversy in 1969 about the overenrollment of minorities in EMR classes, and the fairness of the standardized intelligence tests . . . , the State Board of Education, dependent on the State Department of Education and with no independent staff of its own, adopted the resolution proposed by the SDE requiring the use of approved IQ tests for EMR placement. The state has offered no explanation whatsoever for this decision, or why it suddenly became so important."

The state, he would have us believe, was fearful of efforts by minorities to reduce the proportion of minority children in EMR classes, and therefore rushed into requiring one of a group of IQ tests in order to maintain that high proportion. Clearly, however, the state acted to stem public controversy and to buttress its procedures and decisions by requiring that only one of the more respected IQ tests be used.

Judge Peckham concludes: ". . . [D]efendants' actions resulting in the adoption of the IQ requirement . . . can only be explained as the product of the impermissible and scientifically dubious assumption that black children as a group are inherently less capable of academic achievement than white children. Key officials of the State Department of Education moreover actually corroborated this explanation. They testified that they believed the overenrollment of black and Chicano children

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in the EMR classes accurately reflected the incidence of mental retardation among these children." This of course corroborates nothing; it merely says that the state officials believed their procedures properly selected pupils who would be helped by EMR classes. It says nothing as to *intent*, or the reason for the requirement of tests, and it carries no implication of any belief concerning the "inherent" capability of black children.

The lengthy opinion does not indicate whether any teachers testified as to why in any given case they might suggest placement of a child in classes, or whether parents testified as to what *they* think. But the state did place on the witness stand the named plaintiffs who served as representatives of the class: "Defendants' contention was that the named plaintiffs were in fact retarded. . . . [D]efendants placed them on the witness stand, presumably for the court to make up its own determination whether the earlier EMR assignments were appropriate." Judge Peckham sternly rejects this effort to introduce reality into the courtroom. To him this is a matter that must be decided by lawyers and judges hearing from distant experts and equally distant high officials, and let reality go hang. To him it does not matter whether the named plaintiffs were retarded or were not.

Judge Peckham in effect decides this case as if it were a case of racial segregation, even though on the basis of the statistics he presents only about a quarter of the children in EMR classes are black, and there is no evidence that they are segregated from white or other EMR students.

Having settled that what we have here is a case of racial segregation, he then soberly goes through the motions of determining whether it is unconstitutional racial segregation. Is there intent to segregate? Yes. Are there compelling state interests requiring this segregation? No. *Ergo*, it is unconstitutional. And the same goes for the IQ test, which is one mechanism by which such unconstitutional segregation takes place.

With this rickety structure of findings, reasoning, and law, Judge Peckham comes to his remedy, which is nothing so simple as banning the use of IQ tests. That of course he does ban them (for black children) goes without saying. But the remedy the decision aims at is grander than that: "Defendants are hereby ordered to monitor and eliminate disproportionate placement of black children in California's EMR classes."

This injunction is followed by detailed provisions for achieving it. The defendants must get annual reports from each school district specifying by race and ethnicity who has been placed in EMR classes. They must aggregate the reports by certain categories and subcategories, file the various reports with the court, require each school district with disproportionate black enrollments to prepare and adopt a plan to correct the imbalance, and bring imbalanced districts to the attention of the court. Each school district must reevaluate each black child placed in EMR classes without the use of a standardized intelligence test, and must prepare for each child an "individual educational plan."

There is nothing in the decision which indicates when this court supervision will end, or when the state may cease stuffing the courthouse files with the massive volume of required reports.

Larry P., now law in California, is on the way to becoming law nationally, by means of similar suits launched in other states, with the firm support of the Department of Justice. There has been one check in its progress: a case brought in the United States District Court for the Northern District of Illinois, Eastern Division, *Parents in Action on Special Education (PASE)* versus *Joseph P. Hannon*, General Superintendent of Schools in Chicago, and many other plaintiffs, including the Chicago Board of Education, the Superintendent of the Illinois Office of Education, and the Illinois State Board of Education. The United States Department of Justice entered the case as *amicus curiae*, and sided with the plaintiffs on all issues.

The interesting thing that happened here was that the judge before whom the case was tried, John F. Grady, was singularly unimpressed by the expert witnesses, who were pretty much the same expert witnesses Judge Peckham heard in *Larry P.* As he writes:

> I have seen cases in which one set of experts is clearly more credible than the other and will, by their demeanor, appearance, credentials, and the reasonableness of their testimony, carry the day. This is not such a case. None of the witnesses in this case has so impressed me by his or her credibility or expertise that I would feel secure in basing a decision simply upon his or her opinion. In some instances, I am satisfied that the opinions expressed are more the results of doctrinaire commitment to a preconceived idea than they are the result of scientific inquiry.

Judge Grady decided to *look* at the challenged intelligence tests. He went meticulously through a number of challenged IQ tests, and came to the conclusion that while a few items on the Stanford-Binet and the WISC and WISC-R might be culturally biased against black children, "[T]hese few items do not render the tests unfair and would not significantly affect the scores of an individual taking the test."

While a judge in one circuit need not take account of the decision of a judge in another circuit, Judge Grady does comment on the *Larry P.* decision. He points out that Judge Peckham's "lengthy and scholarly opinion is largely devoted to the question of what legal consequences flow

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from a finding of racial bias in the test." But Judge Peckham did not himself examine the tests to determine the "threshold question" of whether bias exists, and indeed referred to only a few items out of hundreds on the tests. "As is now obvious," Judge Grady concludes, "the witnesses and arguments which persuaded Judge Peckham have not persuaded me."

Judge Grady also examines the actual use of the tests. They are given by trained psychologists who can interpret children's responses. Of 193 school psychologists in the Chicago system, 44 are black and presumably can therefore take cultural background into account. It also seems that at least one black psychologist usually participates in the placement of a child in the EMR class. In addition, the test is only one component in the decision—and Illinois also has safeguards against incorrect placement.

Finally, Judge Grady examines the entire placement process. It is clear to him there is no great incentive on the part of authorities to place children in these special and expensive classes. "Sometimes the decision is against placement even though the parent desires it. A motive for unnecessary placement is nonexistent, since the cost to the local system of administering the program far exceeds the state and federal aid received for it."

In short, Judge Grady's opinion breathes a simple common sense which is hardly to be seen in Judge Peckham's. Will his common sense prevail? Before the 1980 election, I would not have bet on it: the Ninth Circuit had already upheld the earlier temporary injunction of Judge Peckham, and the Department of Justice, with its powerful resources, was ranged on the side of the plaintiffs in this rather pointless war against the intelligence test. Possibly, with a new Attorney General, Judge Grady's position may have more of a chance.

I HAVE NOT gone into the issue of what *should* be done about children who do not seem to learn in regular classrooms. One approach is the specialized classroom with its specialized techniques. Another, increasingly favored by many educational policy-makers but toward which many teachers and principals are skeptical, calls for "mainstreaming" of the physically and mentally handicapped, on the theory that these children will get more benefit from regular classes than from special classes.

This is a complex issue in educational policy. Many interests are involved: the children, to begin with, both those who suffer from the handicap and those who are to provide an environment for such children if they stay in regular classes; teachers, who must deal with these children, whether in regular or special classes; administrators, who must decide what pattern to follow; parents and taxpayers, in their various capacities. Few of these interests were represented in Judge Peckham's courtroom. Some research has been done into the effects of one pattern or another of dealing with educationally backward children, yet considerable gaps in our knowledge remain. Both what we do know and what we do not know made a highly selective appearance in Judge Peckham's courtroom. How could it have been otherwise, in view of the many interests unrepresented there?

The law is a teacher. What has this decision taught the teachers and administrators of California? Has it convinced them that they have indeed been operating in such a way as to transgress deep constitutional principles, as well as many statutes? Or is this decision so deeply flawed in its understanding, its reasoning, its capacity to use evidence, that it will inevitably be seen not as a legitimate expansion of the rights of individuals but as an exercise in brute power?

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Rehearsal for the Holocaust?

George Watson

At a brief meeting near Berlin over and after lunch, one January day in 1942, a decision was taken to kill all the Jews in Axis Europe. That notorious "Final Solution" was a climax rather than a beginning: a number of Eastern Jews, perhaps half a million, had already died in special operations in the months following the German invasion of the Soviet Union in the summer of 1941. But final, for some six million Jews, it was to be.

I am not concerned here with the political motives behind the three-year program that followed the Wannsee Conference of January 20, 1942—the most concentrated, and perhaps the biggest, of all massacres in European history. I want rather to ask whether the Nazi decision to deport, concentrate, and kill large numbers of civilians had any precedent or model that might have looked useful as late as January 1942. The Holocaust was by then an administrative decision: sanctioned by government, it must be assumed, but shaped in its methods by practical considerations such as speed, secrecy, and manpower shortages in time of war. Men in a hurry look for models. What was the likeliest?

There is abundant circumstantial evidence, surprisingly neglected, that the decision of January 1942 may have had a Soviet model.

1. Nazi Germany and the Soviet Union had recently been allies for nearly two years, from the signing of the Hitler-Stalin pact in August 1939 down to the German invasion of Russia in June 1941. That collusion was military, among other things. The 1939 treaty, announced a week before the Nazi attack on Poland, included secret clauses for Poland's partition, defining the future Nazi-Soviet frontier: "In the event of a territorial and political rearrangement of the areas belonging to the Polish state, the spheres of influence of Germany and the USSR shall be bounded by. . . ." It is certain, then, that the armed forces of Hitler and Stalin were linked as early as the late summer of 1939, before World War II. What is more, that collusion had begun much earlier, in Lenin's lifetime, when the Treaty of Rapallo (1922) allowed the German army to evade the Versailles Treaty by training on Soviet soil.

2. The two-year partition of Poland, 1939-41, is known to have included collaboration between the secret police forces of the two occupying powers. In March-April 1940, for example, after some six months of joint occupation, the Gestapo and NKVD held an extended conference in Cracow; its agenda is unknown, but it is thought to have dealt with the exchange of prisoners and with problems arising out of the Polish resistance. T. Bor-Komorowski, in *The Secret Army* (1950), has described how in March 1940 his underground heard that an "NKVD mission had come to Cracow to work out with the Gestapo the methods they were jointly to adopt against Polish military organizations," a consultation lasting several weeks. "Apparently the NKVD methods for combating our underground were greatly admired by the Gestapo, and it was suggested that they should be adopted in the German zone," Russian methods being "a hundred times more dangerous and efficient" than those of the Germans.

Camp operatives, too, may easily have been exchanged. As Winston Churchill observes in *The Hinge of Fate* (1951), the British government of the day was aware that vast numbers of Poles and others were being handed over by the Soviets for forced labor under the Nazis, and it would be surprising if they were unaccompanied by Soviet guards. We even have eyewitness accounts of cooperation. Margarete Buber, a German-Jewish Communist handed over by the NKVD to the Gestapo at that time, has described in her memoir *Under Two Dictators* (1949) how Soviet secret police officers crossed the Brest-Litovsk bridge in front of their prisoners, to return with SS officers, the two commanders saluting each other before the reading out of names and the handing over of Jews to the Nazis. The two forces, it seems clear, were by then in an intimate relationship. It would be surprising if they did not learn from each other or exchange personnel.

3. By January 1942 the Soviet Union had already conducted at least one mass slaughter of Poles. About 15,000 captured Polish officers who had refused to collaborate were tied with Russian ropes and shot in the back of the head with German bullets at Katyn and elsewhere by the NKVD in the spring of 1940, or at about the same time as the Gestapo-NKVD conference in Cracow. That these two events happened simultaneously may or may not be a coincidence. In February 1943, nearly three years later, the Katyn mass graves were discovered by the German army, in an area known to have been used by the NKVD since 1929. (See J.K. Zawodny, *Death in the Forest*, 1963.) The German field police who uncovered these graves in 1943, with bodies stacked some ten corpses high, may or may not have been as shocked as they claimed to be, but in any case this does not preclude the possibility

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that the technique of mass-grave killings was known to the SS itself much earlier. Katyn may have been discussed, even sponsored, at Cracow in April 1940 in secret conclave.

4. The Katyn massacre of April 1940 reveals some telling similarities with later Nazi methods. That German bullets were used by the NKVD may be without significance, since Nazi munitions were reaching Russia during and even before the Hitler-Stalin pact. The International Commission that examined the Katyn site in April 1943 found eight mass graves, each 6-11 feet deep, with bodies lying face downward, hands tied behind the body and around the neck; the bodies were piled in layers of ten to twelve, each shot in the back of the head, usually by a single shot above the neck fired upward to emerge through the forehead. One report, by a villager, speaks of Polish officers being forced to lie down to be shot on piles of their dead and dying comrades. Compare this with an SS massacre of about 5,000 Jews in Dubno in the Ukraine in October 1942, reported by a German eyewitness, where victims were forced to lie unbound on piles of the dead and dying: "Blood poured from the napes of their necks." Here prisoners were reported to have been naked and unbound, and the instrument of the killing a submachine gun. But the technique of the mass grave, and the placing of the bullet, are both similar.

A British army captain, S. Payne Best, who spent almost the whole war in Nazi camps, has described how in 1945 a Dachau fellow prisoner told him of men executed by the Nazis facing a wall, a bullet entering the back of the neck (*The Venlo Incident*, 1950). And the Old Bolsheviks who were executed in Soviet prisons after Stalin's show trials in the 30's were similarly shot in the neck rather than the heart. In addition, mass shooting was widely understood by the 30's to be the Soviet way, even among Stalin's admirers; Sidney and Beatrice Webb had already described it in their *Soviet Communism* (1935) in a chapter uncompromisingly entitled "The Liquidation of the Landlord and the Capitalist."

Even the methods of deportation can now be shown to have been similar. In an anonymous report of Soviet deportations from Eastern Poland in 1939-40, *The Dark Side of the Moon* (preface by T.S. Eliot, 1946), there is an eyewitness account by an Englishwoman married to a Pole that shows the technique of packed railway cars to have been used by the Soviets before it was ever used by the Nazis.* It may be objected that trains are an inevitable modern technique for vast masses of prisoners, but this would be wrong—they could, after all, have been forced to march. It seems clear on this evidence that mass rail deportation of whole communities, modeled after early class deportations like those of the Kulaks, was Soviet before it was Nazi. A decree of the Soviet Presidium in September 1941 even speaks of "resettlement," a euphemism much favored by the Nazis as well.

5. On April 19, 1943, some weeks after the German discovery of the Katyn mass graves, Nazi armored cars attacked the Warsaw ghetto and deported what was left of its inhabitants to death camps. One probable interpretation of Goebbels's energetic exploitation of the Katyn discovery is that he hoped it would draw international attention away from the Final Solution itself, which by the spring of 1943 was about to enter its second year. (Auschwitz, the deadliest of the Nazi camps, seems to have become fully operational only as late as the summer of 1942.) Katyn may have looked like a godsend to the Nazis.

6. Soviet exterminations were characterized by starvation, disease, exposure, and shooting; those of the Nazis by starvation, disease, exposure, shooting, and gas. There is no known Soviet parallel to the Nazi gas chambers of 1942-44. First used for incurables in 1939, gas must be presumed the original Nazi contribution to extermination.

But is it equally clear that the extermination camp itself was not an original Nazi contribution to human history. The first such camps were created by a decree of Lenin in 1918, months after the October revolution; and Robert Conquest, in *The Great Terror* (1968), has suggested that one was functioning near Archangel by 1921. The details recounted years later by Solzhenitsyn in *The Gulag Archipelago*—searchlights, barbed wire, guard dogs, and work gangs—are extraordinarily like those of a Nazi camp. By the 30's, to the new German dictatorship, this model would have looked Stalinist; strictly speaking, as we now know, it was part of Lenin's legacy to Stalin.

HITLER, for one, seems to have retained his admiration for Stalin even after the two went to war. "One hell of a fellow" (*"ein genialer Kerl"*), he called him at a dinner party in July 1942, as reported in his *Table-talk*—inviting respect for someone who, he said, had modeled himself so impressively on Genghis Khan. It was a view he had held for a long time. In 1932, as Hermann Rauschning recounts in *Hitler Speaks* (1939), Hitler had remarked in conversation shortly before he seized power, "I have learned from the Bolsheviks; I do not hesitate to say so."

Indeed, Hitler always proclaimed himself a revolutionary and a socialist, conceding that "the whole of National Socialism" was based on Marx. And Marx and Engels, it is important to remember, had publicly advocated racial extermination, in texts now rarely studied by Marxists, though Lenin is likely enough to have read them.

No wonder that the two great exterminating angels of modern Europe admired each other personally, even as enemies in the field. Hitler's dinner-party remark about Stalin and the Mongol chief shows that one of them, at least, had something like a historian's respect for sources. It may now be said that they learned extermination from each other, as a policy and as a method, with the Soviets leading the way.

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*I can reveal that the author of this astonishing book was the late Zoe Zajdlerowa, who before the war wrote a number of English novels as Martin Hare; I am grateful to her literary agent, the late Spencer Curtis Brown, for this information.

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New Jewish Voices

Pearl K. Bell

IT IS the character of our culture to be on perpetual alert for change, and so it is not surprising that we can now speak of a *new* generation of American Jewish writers—among them such novelists and storytellers as Cynthia Ozick, Hugh Nissenson, Johanna Kaplan, Jay Neugeboren, Arthur A. Cohen, and the much younger Mark Helprin—whose beliefs and preoccupations constitute a distinctive set of Jewish voices unlike those of previous generations. But the critic's predilection for boxing and dividing writers by generations is a vexing one, as is the convention of marking off one decade from another—the 30's as against the 50's, the 60's as against the 80's—in order to signify changes in the political climate and the literary culture.

Obviously, categories defined by such code words as generation and decade are imprecise and reductive. Yet in the end this mode of making cultural distinctions is probably inescapable. For the fact remains that writers do fall into generational groups, however dissimilar the individual talents may be, and decades do—on the whole, if not in exact step with the calendar—tend to be characterized by different moral tempers. This is the burden of modernity, for we derive our consciousness from common experience in time, and not from the continuity of tradition.

This has been especially true of Jewish writers in 20th-century America, driven by a restless hunger for experience. Their singular mission has been to bridge the worlds of the *shtetl* and of urban modernity, to do justice to both the immigrant life they were born to and the assimilationist and cosmopolitan culture in which they had to make their way.

In the shifting tides of Jewish writing in America, the first generation consisted of those who grew up in Europe and whose literary language was Yiddish. In the early novels of Sholem Asch, such as *Salvation* and *Mottke the Thief*, in family sagas like I.J. Singer's *The Brothers Ashkenazi*, the writer sought to preserve the *shtetl* memory which he felt had been threatened by transplantation to an alien land. Contemporaneously there emerged another generation, the first Jewish novelists born in America to immigrant parents—most prominently Michael Gold, Meyer Levin, Daniel Fuchs, and Henry Roth—among whom the blessings of talent were very unequally distributed, but who had a fierce need to capture not only the stifling life of the ghetto but their own struggle to escape it, often into the world of radicalism. Their novels were high-tension wires strung between incongruent worlds, and their balance was often precarious.

But neither the Yiddish novelists nor the first-generation Americans who began publishing in the 1920's and 1930's have left any substantial trace as memory or influence on the younger writers who followed. Except for the work of Roth and Fuchs, who have remained cult figures despite periodic revivals, most of the Jewish fiction published in the first third of the century rapidly came to seem ideological or lachrymose, and by now is badly dated. (In any such accounting of Jewish writing in America, Isaac Bashevis Singer resists every attempt to fence him in, since his language, his imagination, and his transcendent place in time flout all the touchstones of generations and decades.)

It was only with the triumph of the next generation, dominated by Saul Bellow and Bernard Malamud, that the die-stamp image of *the* American Jewish writer became fixed as a formidable presence in the culture. They were the first to make it on their own terms, at once alien *and* American, and they had no doubt about their rightful place in the literary mainstream. Bellow and Malamud were by no means the only writers whose work fused the racy inflections of Yiddish idiom and diction with the nervous rhythms of urban life; a similar breed of fiction was being written by Michael Seide, Irvin Faust, Jerome Weidman, and would continue to come from such younger figures as Herbert Gold and Stanley Elkin. But Bellow and Malamud became the archetypal embodiments of a newly complex Jewish personality full of intellectual ambition, ironic self-confidence, and erotic sophistication. And for all their divergences as writers and as Jews, the novelists of this generation were the first to regard success as their American birthright.

Most of this is of course an old story, but one needs to keep it in mind in order to understand how and why the succeeding generations have not conformed, consciously or otherwise, to the iconographic notion of the Jewish writer in America. The ground of experience—namely, the Yiddish-speaking immigrant life—has all but vanished, and a novelist's specifically Jewish theme is no longer ready-to-hand, as it was for so many decades, in the chasm dividing the parents' values and culture from the sons' American aspirations.

IF ONE asks, then, what theme,

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what imaginative and temperamental qualities now identify a younger novelist as *Jewish*, besides his Jewish parents, the answer varies with the writer. Often this Jewishness consists of nothing more than the odd Yiddish word (usually misused) which crops up in dialogue, or a wraith-like grandparent, lurking in the shadows of the story, who is a lingering reproach to his descendants' insensitivity or emptiness of heart. It is now possible, as it was not ten or fifteen years ago, to read a serious novel about men and women (and children) whose names, speech, and history are unmistakable, yet who are never identified as Jewish, and the word itself is mentioned, if at all, as casually as a yawn.

This is not meant to be an impeachment of such books—a recent example is Richard Brickner's wonderful novel, *Tickets*—but only to indicate that for some "Jewish" novelists today, even a vestigial link with their heritage has long since rusted away. The fact that they are Jewish, though they may not try to hide it, is so devoid of any cultural, never mind religious, meaning that it plays no part in the way they live and think and feel. This neutrality—it is nothing so strong as rejection—is a fact of Jewish life in America and thus an inevitable fact as well of much fiction written today by novelists who "happen" to be Jewish. In the case of Philip Roth, who has insisted that "I am not a Jewish novelist, I am a novelist who is a Jew," the obsession with middle-class vulgarity and the Jewish intellectual's guilty anxiety, the need to mock and the longing to be forgiven for this mockery, can hardly be confused with anything but what Roth is—a Jewish novelist with a vengeance, and literally so.

But there are those who, appalled by the desiccation of Jewish identity in America, have dissociated themselves strongly from the apostasy of assimilation, and regard it as a form of self-hatred that amounts to religious and/or cultural transgression. The most uncompromising indictment of the Jewish surrender to Gentile America has come from Cynthia Ozick. In her essays and stories, she has envisioned the flowering of a Jewish liturgical literature, in English, whose lifeblood will come not from the social and psychological actuality that holds so many novelists in thrall but from Jewish myth and legend. Unfortunately, as Ruth R. Wisse pointed out several years ago,* "the present-day American Jewish community would seem to present an almost insurmountable obstacle" to the fulfillment of Miss Ozick's vision.

One gifted young writer has recently spoken to Cynthia Ozick's point. Mark Helprin, born in 1947, grew up in the Hudson Valley, and has two degrees from Harvard. After leaving Cambridge he emigrated to Israel, where he served in the infantry and air force, but came home after a year because, as he recently confessed to a New York *Times* reporter, he was miserable in the Israeli army. He has published three books—a collection of stories, *A Dove of the East* (1975); a novel, *Refiner's Fire* (1977); and another volume of stories, *Ellis Island*,† brought out earlier this year. Most of his stories appeared originally in the *New Yorker*, and since *Ellis Island* he has been living the very dream of literary success: extravagant notices, interviews, photographs, the works. Though it seems safe to guess that he was raised in an assimilated family—his father was a film executive, his mother an actress—Helprin is a religious-minded Jew who feels that his work has more in common with S. Y. Agnon than with Bellow and Malamud.

In a recent interview he declared that he feels totally removed from the skeptical secularism which he identifies with the gray eminences of American Jewish writing: "I'm not at all like [Bellow and Malamud]: I don't have that introspection. I have no agony and resentments. Boredom and alienation don't mean a thing to me." And he believes that because he writes "devotional literature . . . in praise of the Supreme Being" and has an "unfettered relation" to his faith, he has been shunned by the Jewish press, which is more interested in agonizers than in healthy believers like himself.

Up to this point he seems to be in perfect agreement with Cynthia Ozick. But anyone who comes to Mark Helprin's fiction by way of these pronouncements will be struck by the discrepancy between what he says and what he writes. If any proof were still needed of D. H. Lawrence's wise dictum—"Trust the tale and not the teller"—Helprin provides more than enough. The question is, in what way is his writing Jewish?

His stories are an astonishment of imaginative virtuosity, written with measured and rather stately elegance about a prodigious variety of places, times, and persons. *A Dove of the East* opens with a Persian Jew in Israel who thinks he is the devil's prey, and it moves on to stories about a Spanish widow in the mountains of northern New Mexico; an American priest dying in Rome; a Civil War battle in Virginia; a cattle rancher in Jamaica whose herd is destroyed by a bull. In the long title story, a Parisian survivor of the Holocaust, who has become a crack horseman and farmer in Israel, refuses to abandon hope that one day the young bride who vanished during the war will reappear, unchanged. A number of the stories are extremely brief and too oblique to yield more than the feeling of a fragmented dream. Seven of the twenty stories have Jewish characters, and only "A Jew of Persia" touches in any way upon Jewish myth or legend, though even here Helprin may be thinking more of demonology than of religion. In any case, since Helprin makes such scant use of recognizably Jewish themes or people in *A Dove of the East*, there appears to be little justification for his calling it "a Jewish book."

The artful and gnomic simplicity of most of these stories suggests that they are meant to be read as fables, but in most cases it is hard to know what they attempt to convey. And though it is true that the unbound imagination of the fabulist, roaming everywhere in time and space with ghostly ease, is ab-

* "American Jewish Writing, Act II," Commentary, June 1976.

† Delacorte, 196 pp., $10.95.

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solved of the constraints of reality, the fables in a single writer's collection are not discrete. Even the bardic storyteller, unaccountable to the mundane, must convey some idea, albeit hidden in metaphor, of a unifying sensibility that binds his disparate imaginings into some coherent meaning. Because one can discern no singular way of seeing and feeling in *A Dove of the East*, it seems a collection of beautifully wrought masks without a face.

IN THE novel *Refiner's Fire*, Helprin indulges his virtuosity to such excess that here again it is virtually impossible to find any thread of purpose or meaning, beyond the prodigy's uncontrollable eagerness to show what he can do. Extravagantly written and plotted, the book unfolds the picaresque biography of a foundling, Marshall Pearl, born in 1947 on a dilapidated tub carrying illegal immigrants from Italy to Palestine. The baby is brought back to America by the ship's captain, a Jewish officer in the U.S. navy, and adopted by a wealthy couple living on a huge estate in the Hudson Valley. One bravura escapade explodes into another until the novel begins to read like a cross between *The Adventures of Augie March* and the Hardy Boys. From his school on the Hudson, Marshall wanders to a Jamaican rain forest, where he is caught up in a Rastafarian rebellion. After three years at Harvard he lands in a Kansas City slaughterhouse. Not long after, we find him at the summit of a mountain in New Mexico, studying eagles and unintentionally reminding us of Augie March's Mexican initiation into the art of falconry, a more memorable confrontation of man and nature. In search of his real father, our Jewish picaro eventually comes to Israel, where he joins the army and is mortally wounded in the October 1973 war.

Though Helprin tells us that Marshall is driven by "obsessions about achieving the impossible and defending the indefensible," it becomes futile to try and make any sense of this whirlpool of thrilling exploits. As the cliff-hangers pile up, *Refiner's Fire* reminds one less of Bellow and more of a boy's book—adventure for the sake of adventure and nothing more—although its style is too lapidary to please any boy. Lacking a center—Marshall is not a hero, just someone to whom things happen—the story becomes a numbing bore. Helprin obviously used a good deal of his own experience in *Refiner's Fire*, but the novel seems a lifeless make-believe because there is no sustaining idea behind the frenetic theatricality. And though Helprin claims that the novel, like his stories, is "a Jewish book," this, despite several Jewish characters and the Israeli denouement, is more wish than deed.

HAPPILY, *Ellis Island*, which brings together two stories and an ambitious novella, is much less mired in exhibitionistic dazzle than Helprin's earlier work, and if some of the elaborately arched and buttressed epiphanies seem more literary than felt, one can at least see a moral intelligence at work, and not just a stunt-man of the imagination. In "Palais de Justice," for example, an elderly lawyer, drawn at first against his will into a sculling race on the Charles River with a contemptuous young brute, becomes determined to win because

> if one man were to remain strong and upholding, if just one man were not to wilt, then the light he saw and loved could never be destroyed, despite the barbarism of the war, of soulless materialism, of the self-righteous students who thought to remake this intricate and marvelously fashioned world with one blink of an untutored eye.

Even though Helprin's symbols are too strenuously pointed, the story beautifully conveys, through the old man's near-suicidal urgency, a sense that civilization itself is at stake in a seemingly trivial contest.

Like the old lawyer, the German photographer in "The Schreuderspitze" drives himself to an extreme severity of physical endurance because, in the hope of recovering from the accidental death of his wife and son, he wants "to suffer a parallel ordeal through which he would balance what had befallen him." Redeemed by the power of his dreams, in which he succeeds in climbing a treacherous Alpine peak that would have killed him in actuality, the photographer comes to terms with his loss, his commitment to life restored by the mystical healing of revelation.

In the longest and most complex piece in the book, the novella "Ellis Island," Helprin draws upon immigrant history and hasidic legend and does earn the right to call this a Jewish story. But it deteriorates into an exercise in whimsy. Though Helprin's temperament and language seem altogether too ponderous for the light touch comedy demands, he has attempted a quasi-serious farce that seems to lean heavily on the unlikely trio of Menasha Skulnik, Isaac Bashevis Singer, and Marc Chagall. On one level, the immigrant narrator slides from one banana-peel mishap to another as he makes his schlemiel's way toward a mooring in the new world. On another level he wanders out of the confounding reality of Ellis Island and Hester Street into ornate mythical fantasies in which rabbis turn into bees, and tens of thousands of Hasidim blanket the Williamsburg bridge and shake it to the beat of their pious joy as they dance to work in lower Manhattan. But these comic visions are hopelessly arch and contrived; instead of bestowing imaginative weight on the story, they overload the circuits. How the real and hallucinatory adventures of this young immigrant lead him to "the binding principle of the world" remains a mystery.

JUST how affecting a writer Helprin can be, however, when he is not being cute or straining for sonorous metaphysical profundities is superbly demonstrated in "Tamar," the most fully realized story in this volume. Told with uncluttered lucidity, it concerns that credulous time before the war when it was naively assumed that if only German Jews had the money for transport, they could get out. One way of raising the escape money involved the sale of German Jewish art collections to the Jewish aristocracy of England, and a young man is sent by the Jewish Agency to London to negotiate the

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sales. He is gripped by foreboding, for he has just been traveling in the endangered heart of Europe, where "It was as if the 19th century —indeed, all the past—were in hiding and feared to give itself away. The whole world of the Jews in Central Europe looked outward with the saddest eyes." Yet he must get on with his mission. It brings him one evening to a dinner party at the grandest Jewish mansion in London, where the vulnerability and unthinking complacency of this patrician world are brought home to him by the daughter of the house, entrancing in her beauty and self-assurance, unable to imagine that her life will soon be permanently wrenched from its opulent socket by six years of war. In "Tamar," for once, Helprin does not remain at an aloof distance from the emotions his story might arouse.

But whether Helprin is the essentially religious writer he claims to be, whether his metaphysical obsessions are identifiably Jewish—from the interior evidence of his fiction one can only say no. If the Jewish religion is indeed the nucleus of his creative life, which would bring him close to Cynthia Ozick's position, then we should be able to know this from his writing, not from newspaper interviews. What his fiction reveals is not a uniquely Jewish writer of a devotional stamp but a sophisticated and restless intellect and imagination whose distance from the sensibilities of Bellow's generation is not so great as Helprin would like to think.

Among those writers of the new generation who share Mark Helprin's concerns but not his literary gifts is Jay Neugeboren, born a decade earlier than Helprin into an immigrant Brooklyn neighborhood in which Jewish religion and culture were still the wellspring of daily existence. In an autobiography published in 1970, he told the familiar story of a young man's pilgrimage from a sheltered Jewish life to the radical movements of the 1960's. Like the writers of the 30's and 40's who leaped from the ghetto into the iron embrace of the Communist party, Neugeboren felt that he had finally arrived at the truth: "The only hope—for the world, for myself—is immediate revolution."

But this apocalyptic fervor had sputtered out by 1976, when he published a midrashic novel, *An Orphan's Tale*, whose tone and intentions were nourished not by Marx and Marcuse but by the wisdom of *Pirkei Avot*, the homiletic aphorisms of the ancient rabbis which are the favorite reading of the novel's touching *Wunderkind* hero. The literary theme of the devout orphan's search for a Jewish family and home, a sense of belonging, was developed with a learned abundance of Jewish lore, and placed Neugeboren within the new generation of writers committed in varying ways to the Jewish tradition, if not religion.

His new novel, *The Stolen Jew*,* is a more elaborate yet more conventional narrative than the earlier book, since it deals with the kind of destructive family that has left a distinctively Jewish trail of broken spirits and thwarted hopes in 20th-century American fiction. The central figure, Nathan Malkin, had cut short a promising literary career, after publishing a well-received novel about Jews in Russia, so that he could make money to provide proper care for his schizophrenic brother. Half a century later, when the brother commits suicide, Nathan returns to Brooklyn, and gradually begins to break out of the protective shell of loneliness in which he had hoped to end his days. Forced to reenter the rooms of memory, he not only relives the history of his tormented family but also begins to rewrite his book. Now that he feels he truly understands what he had set down so long ago, Nathan can reclaim the life he once abandoned.

The Stolen Jew contains a novel within a novel, since long passages of Nathan's book are interpolated into Neugeboren's story. Yet while Neugeboren suggests that Nathan has resolved the meaning of his novel, it is less clear to the reader what Neugeboren intends *his* novel to mean as a Jewish story. He weaves a rich strand of traditional, especially kabbalistic, detail into his protagonist's ruminations. But the focus of the larger story, as we see from Nathan's bitter childhood recollections, which are rendered with great power, is the continuity of memory rather than the character of religious belief. The thread of memory, with its emphasis on the family, is one of the recurrent and important aspects of Jewish writing, and in this respect Neugeboren is returning to an older literary tradition. Yet one feels, too, that the religious elements are not really integral to his craft or to his characters, and for all their detail they remain an unrealized hope.

Nessa Rapoport, a younger member of Helprin's generation, is a much less interesting writer, but there is no ambiguity whatsoever about the Jewish tradition she belongs to. If one must take the Jewish nature of Helprin's literary visions on faith, as it were, Miss Rapoport's religious identity is fully rendered as a social document. Her novel, *Preparing for Sabbath*,† her first, is a copiously informative chronicle of a religiously observant upbringing that in young adulthood fails to satisfy the heroine's longing for a personal God who will provide the peace that passeth understanding.

Miss Rapoport takes a long time to reach the spiritual crisis that seems to contain the religious point of her story. Most of the novel is a doggedly faithful recapitulation of the author's childhood and adolescence—the conventional way that countless literary careers, Jewish or Gentile, begin. In contrast to Mark Helprin's genius for surprise, Miss Rapoport is the slave of prosaic memory. She seems less interested in understanding the past, or investing it with metaphoric freshness, than she is in reliving it, day after ordinary day.

Since the heroine, Judith Rafael, is the child of a devout middle-class family in Toronto, the high drama of her formative years revolves around such agonizing questions as whether blue Chiclets are kosher. Such niceties aside, however, Miss Rapoport's torrent of unforgotten trivia is no different from the nar-

* Holt, Rinehart & Winston, 336 pp., $14.95.

† Morrow, 288 pp., $10.95.

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cissism that engulfs so many autobiographical novelists. Oblivious to the fact that we have been here before, and often, Miss Rapoport explains:

> The way Judith ate a Coffee Crisp was to undo the yellow and brown waxed paper that said COFFEE CRISP IT'S A NICE LIGHT SNACK, and scrape off the top coating of chocolate with her teeth. Then, if she did it right, and didn't bite too hard, came a layer of biscuit, and then a layer of coffee-cream icing, then. . . .

Positively nothing has been left out, we can be sure, as Judith fills us in on her rites of passage—first the girlfriends, then the boyfriends; school supplies; how Judith spent her summer vacation; her first trip to Israel; all the funny things that happened when she hitchhiked to California; lovable grandmothers; moving to New York; Israeli women brimming with wisdom; and so on. The only principle at work through most of this lip-smacking *Bildungsroman* is the author's unshakable certainty that if it happened to me, it must be interesting.

Out of the family nest and studying in New York, Judith is neglected by her boyfriend, a with-it would-be rabbi who introduces her to what he calls "a bunch of Jews into spiritual alternatives." She flirts with feminist ideas about reforming patriarchal Judaism, drops them along with the boyfriend, and flees to Israel, where she starts each day "with yoga and davening." When she plunges into her black night of the soul, Judith cries: "I want there to be nothing for me but God, alive in my life always. But I am bound by appetite, fettered by desire. I want, I need, I cry like a child." All too true, but God is forgiving and dries her tears.

The strange thing about the spiritual peace that, we are told, Judith finally attains in an ineffable gift of divine revelation is its startling Christian tone, though Miss Rapoport seems unaware of this. Craving a life unblemished by the promptings of earthly desire, her heroine seems to envision herself as a bride of Christ, transfigured by the purity of renunciation. If this seems an invidious charge to level at a nice Jewish girl, perhaps the muddled impression we are left with is due not to religious confusion but to a childlike romanticism that does not know where it wants to go or how hard it may be to get there.

IN SUM, we cannot yet speak confidently about a "new generation" of Jewish novelists, though clearly a conscious effort is being made—or at least felt—by some writers to have done with a secular older generation trapped in the modernist worship of experience. Some, like Cynthia Ozick and Mark Helprin, are more antagonistic toward that generation than others, like Nessa Rapoport, still mesmerized by a personal past. But in their sense of themselves as Jews they are no longer beholden to the literary postures of alienation and victimization. Instead, they seek—or say they seek—to find their literary nourishment in Jewish tradition and belief.

Yet it is also clear, in thinking about Mark Helprin, that he cannot wholly escape the burden of modernity. Though the best of his stories are rooted not in his actual experience but in what he has imagined the experience of distant times and places to be, this is not the same as a literature dedicated to the continuity of Jewish culture, legend, faith, and custom. In the hands of a great writer, the tension between tradition and experience is the crucible of art—*if* he has the intellectual and creative power to confront this tension, and acknowledge its treacherous complexity. It remains to be seen whether Mark Helprin will welcome this challenge when they meet, let alone be equal to it.

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Updating James Bond

Richard Grenier

IAN FLEMING, writer of single-mindedly anti-Communist pop thrillers, was a quintessential product of the cold war. In the tradition of popular, even pulp, fiction, he invented escapades for his Agent 007 never seen on earth or in heaven and violated the procedures and "tradecraft" of real espionage at every turn (and knowingly, since he had served in British Naval Intelligence during World War II). But there was nothing fanciful about Fleming's choice of adversaries. The bad guys in his thrillers were always representatives of international Communism and/or the Soviet Union. Fleming's anti-Communism was of the primitive sort, attributing to the Russians a kind of wanton, undiscriminating destructiveness which presumably no rational adversary possesses. Yet it reflected his abiding, visceral conviction that the Russians were out to do us in.

The first James Bond movie, *Dr. No*, was very much a sleeper. Its budget was modest; its star, Sean Connery, almost unknown. But it was released in 1962, the year of the Cuban missile crisis. John Kennedy—a reader and admirer of Fleming—was President of the United States. Americans were ready to pay any price, bear any burden. U.S. support troops were on their way to Vietnam. And *Dr. No* shot to the top of the box-office listings and stayed there.

Even this first Bond film, however, was not quite straight Ian Fleming, since even during the iciest days of the cold war, before the 20th Congress of the Soviet Communist party in 1956 and the beginning of de-Stalinization, Hollywood had never found anti-Communist films to be a paying proposition. Whether it was because the public found the iniquity of Communism too obvious, or too gloomy, or too boring, it would not pay good money to have the Kremlin's evils explained to it as a form of entertainment. There were some anti-Communist films produced, but these were turned out by the studios (still in existence in those days in their dictatorial form), knowing they would probably lose money. They were intended, in fact, as a sort of combined loyalty oath and insurance plan in the event of a possible revival of the McCarthyite congressional investigations. If the inquisitors were ever to return, each studio would be able to point to its own anti-Communist film. So even though anti-Communism was riding high, and the Soviet Union was unambiguously considered the enemy, the public balked at anti-Soviet tracts in its movies. What it got instead was the cinematographized James Bond.

Now that the twelfth and latest of the James Bond movies—*For Your Eyes Only*—is about to burst upon us, the time has come for a backward look at the entire canon, the longest and most successful series in motion-picture history. Since a detailed recounting of a dozen James Bond screenplays would leave all but the most determined minds reeling, I shall attempt to focus on what is after all a central issue: the vicissitudes of James Bond's adversary, the Enemy of the Free World.

To begin with, there was *Dr. No*, quite straightforward in its political implications. The hero was Bond, of course, engaged in a titanic struggle to defend the West against international subversion. The setting was a Caribbean island, "a secret base for revolutionary experiments." The villain was a sinister half-Oriental scientist attempting to throw a monkey wrench into the space program by diverting the course of U.S. rockets from Cape Canaveral. As I have explained, a certain depoliticizing tendency is to be noted in even this first translation of a Fleming novel to the screen. For one thing, Dr. No is no longer a straightforward Moscow agent as he was in the original. ("The Russians are my partners in this venture. They trained six of my men, Mr. Bond.") In any event, 007, while reconnoitering Dr. No's secret stronghold, finds the lightly clad Ursula Andress collecting shells on the beach. She is a "nature girl." She just happens to be there.

But if no film in which the hero incidentally finds a half-naked Ursula Andress collecting shells on a deserted beach can be accused of being a political tract, the cold-war atmosphere is still unmistakable. If America does not win the space race, the West will fall! Dr. No, if not precisely a Moscow agent, is at least half-Chinese, and as such the representative of a recognizable adversary in the real world. His Caribbean island, moreover, is not far from another island where a Soviet-sponsored Fidel Castro has recently taken his stand. James Bond's best buddy is a CIA man.

IT DID NOT take producers Harry Saltzman and Albert Broccoli long to realize they had a smash hit on their hands, and number two in the series, *From Russia With Love*, followed the next year. The film's budget is bigger, there is a lot more expensive gadgetry, and the focus is shifted to our great coeval rival in Eastern Europe, but the formula is not much changed. Though Fleming's beloved SMERSH—his flamboyant improvement on the KGB (he swore it actually existed)—is transmuted into the more neutral SPECTRE (a "group of international criminals"), it is a Russian

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plot that sets the film in motion: an attempt to plant a beautiful female pseudo-defector, actually a KGB disinformation agent, on the West. Furthermore James Bond's best buddy is a Turkish agent (Turkey being in that period second to none in its anti-Soviet militancy); and his cold-blooded arch enemy, "Red Grant" (played by Robert Shaw), who attempts to murder him on the Orient Express, is—SPECTRE or no SPECTRE—revealed to be a Russian.

In 1964 the Tonkin Gulf Resolution passed the U.S. House of Representatives without a single dissenting vote, and the U.S. Senate with only one, and Saltzman and Broccoli were ready with *Goldfinger*. Here James Bond's opponent is the "millionaire madman" Auric Goldfinger (Gert Frobe), whose goal is nothing less than destroying the West's whole economic system by capturing Fort Knox and making the gold contained therein radioactive—this in cahoots with the Red Chinese, a commando unit from whose army seizes Fort Knox. The attempt is foiled by James Bond and the U.S. army.

In *Thunderball*, 007 remains pretty much on course. SPECTRE seems to have some kind of collegial succession system like the Roman Catholic Church because no sooner does it lose one arch-fiend than it produces another to throw into battle against James Bond. The new fiend hijacks two U.S. atomic bombs with a view to holding the entire Western world for ransom.

Still, *Thunderball* marks a departure. The Vietnam war was beginning to produce internal strains within both the U.S. and the Western alliance, and suddenly there are no Communist agents on the premises. Traces of the cold war have not yet been altogether expunged, however. The female lead's brother, killed during the atomic-bomb hijacking, is a NATO pilot. Bond's best buddy is still a CIA man. The day is saved by U.S. "Aquaparatroops" (whatever they are). And the danger to be averted is directed against the "Western world."

In *You Only Live Twice*, released in 1967, the changes are more drastic. James Bond's CIA best buddy, Felix Leiter, an ongoing part of the series up to this point, is no longer around. He is replaced by "Tiger Tanaka," head of the Japanese Secret Service. Since Japan is both diplomatically and militarily the most inert of the world's great industrial nations, this particular substitution, although deliberate, is also ludicrous (of course the Bond series is wildly popular in Japan). But the most important change in *You Only Live Twice* is that this time the new SPECTRE arch-fiend is hatching a diabolical plot, not just against the West, but against the West and the Soviet bloc *together*. From the usual island base the fiend is at work intercepting missiles in an attempt to provoke World War III, placing the West and the Soviet Union in the same boat, two peace-loving societies determined to prevent some deranged third party out there from destroying the world.

By the time of *On Her Majesty's Secret Service*, released in 1969, the Bond series—not unlike the U.S. in Vietnam—was floundering desperately. First of all, its star, Sean Connery, had walked out, to be replaced by the unfortunate George Lazenby. But the absence of its star was not this movie's only liability. Seemingly as alarmed by the peace movement as was President Johnson, and eager to shed James Bond's warlike image, the film's screenwriters produced a truly remarkable hodgepodge by way of a story. SPECTRE's "arch maniac," it seems, has assembled ten international beauties from all parts of the world, each one more lovely than the next. Properly inoculated with a special virus, Bond will be compelled to spend one night with each of the ten beauties, after which they will all be sent back to their own countries where the virus Bond has passed on to them will *destroy all vegetable life!* Now even by James Bond's standards this is an idiotic plot (meant, presumably, to convey the horrors of defolition in Vietnam). But, more important, what has become of the old 007? Where are the roaring missiles, the giant bombs, the fiery explosions, the carnage? One need hardly add that *On Her Majesty's Secret Service* was a failure, the only one in the series.

But James Bond soon found his sea legs again. Sean Connery was induced to return for one last picture (to be replaced later on by Roger Moore). But if Phase One gave us the anti-Communist James Bond, and Phase Two the decline and fall of the Peacenik James Bond, Phase Three of the series gave us the perfect James Bond for the early 70's in *Diamonds Are Forever* (1971), *Live and Let Die* (1973), and *The Man With the Golden Gun* (1974). This is a James Bond who has drunk deep of the wisdom of détente. He knows all about MAD, he knows that war between the superpowers has been rendered obsolete, and he knows therefore that the West can have no plausible adversary in world affairs. He has also learned, as few men before him, the "lessons of Vietnam."

The 70's Bond is not lacking in violence (his creators would not make that mistake again), but he lavishes his violence on a patently impossible collection of "arch-fiends," "madmen," and other megalomaniacal noodleheads of no identifiable party, nation, or political persuasion. No CIA men appear in these pictures, since the CIA has the reputation of fighting (some would say not always judiciously) real enemies, whereas this has been revealed as delusionary, as the West has no real enemy. No KGB men appear either, of course, but, as has been pointed out, identifiable Communist agents have been absent from the series ever since the Tonkin Gulf Resolution.

The only amusing element still left in Phase Three is Dr. Kanaga (Yaphet Kotto) of *Live and Let Die*, a "malevolent black ruler" (probably suggested by Idi Amin) who plans to "dominate the Western world with an onslaught of voodoo and hard drug addiction." It is worth noting that this film was released before the Arab oil embargo of 1974 and the crescendo of passion for the Third World which was to come not long after. Two or three years later, I suspect, a "malevolent black ruler" somewhere in Africa might have become as unac-

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ceptable as a malevolent white ruler in the Kremlin.

IN ANY CASE, the series was to reach a new high of sorts in Phase Four with *The Spy Who Loved Me*, released during 1977, the first year of the Carter Presidency. The film had several novelties. It was the first Bond film to have an entirely original story. The producers claimed that it had been Ian Fleming's wish before his death (in 1964) to have only the title of this particular novel retained, so the screenwriters, Christopher Wood and Richard Maibaum, could let her rip. Also, the women's movement had been complaining that James Bond treated women like so many comfort stations, and so moviegoers were promised the most important feminine role ever seen in a Bond movie, a woman with whom 007 would have a real "relationship." And last, the film marked the return, after all these years, of the KGB—this time as James Bond's loyal friend and faithful ally!—since the feminine role in question was none other than that of a beautiful KGB officer, James Bond's true "relationship." (Ian Fleming, as the saying goes, must have rolled over in his grave.)

So the Bond series at this point abandoned Phase Three's policy of neutralism for one favoring a Western-Soviet alliance against—well, in this case against a web-fingered Nordic shipping magnate who wants to destroy our civilization in order to recreate it again underwater. The head of the KGB actually appears in the film—so silver-haired, benign, and high-minded that, but for the accent and the problem of nationality, he would have been an excellent candidate for Jacob Javits's seat in the U.S. Senate.

I saw this film with a special invited audience representing the cream of New York's publishing industry. Its members laughed gleefully, cheered at the bravura bits, and seemed to view the notion of the West and the KGB teaming up as a harmless and agreeable fiction. They did not take the proposition seriously, of course, or literally—but just as obviously they did not find it objectionable or shocking (as they might an alliance with, say, General Pinochet of Chile). Hadn't we gotten rid of our inordinate fear of Communism? And as an intellectual Bond-fan explained to me, wasn't the Soviet Union really our de facto ally against the equivalent of these Bond-film maniacs? Didn't these maniacs stand for all those anti-Communist maniacs who, left to their own devices, could end up creating animosities which might truly destroy civilization?

Moonraker, released in late 1979, had the same slant. Once again, a megalomaniac plans to destroy human life on earth, this time from outer space. James Bond realizes his only chance to halt the madness is to alert *both Russians and Americans*, and the two cooperate in annihilating this threat to mankind.

Much has happened in the world in the last two and a half years, more than enough, one might think, for the latest James Bond film, *For Your Eyes Only*, scheduled for release soon, to abandon the recently-formed U.S.-Soviet alliance. Whether it does or does not we shall soon find out. Up to this point, in any event, the James Bond series can have had few equals in obliterating from the popular culture the idea that our society might actually have a powerful and dangerous adversary. Nor, in saying this, do I mean to sneer at the purveyors of mass culture. If the editors of the New York *Times Book Review* can see fit, as they did a few weeks ago, to publish a rave review of a new thriller, *Gorky Park*, about "an honest Communist policeman," in which the reviewer complacently affirms that the Soviet and American police and security systems are roughly equivalent, how can one blame the authors of *The Spy Who Loved Me* for thinking, in 1977, that the idea of a Soviet-Western alliance was perfectly respectable?

THE question of adversaries in the spy-thriller genre brings me to two other recent films, each of which has solved the question in a rather different way. The first, *Eyewitness*, by Steve Tesich and Peter Yates (the writer-director team which created the Academy-Award winning *Breaking Away*), was released in mid-February with mediocre commercial results. The second, *Nighthawks*, starring Sylvester Stallone, took off with a mighty roar in New York over the Easter holiday and promises to be a major hit. Both are better-than-average glossy films. Both have grievous failings. Whether *Nighthawks*'s greater box-office appeal is a result of Stallone's presence, or whether it comes closer than the other film to telling the audience what it wants to hear, would be hard to state with certainty.

To say that Steve Tesich, author of *Eyewitness*'s screenplay, has "solved" the adversary question is a slight overstatement, as for him there seems to have been no problem at all. The enemy in *Eyewitness* is Israel, with occasional sideswipes at Zionists, Jewish refugees from Russia, and American Jews who support Israel, particularly if they speak with foreign accents. Incredible as it seems, Hollywood has made its first anti-Israel movie. There has been a conspiracy of silence about this, only one critic mentioning it openly, with a few others referring in gingerly fashion to the "fanaticism" of the Israeli protagonist and letting it go at that. Ordinary moviegoers, many of them Jews, apparently find it so unthinkable that an anti-Israel film could come out of Hollywood that they have simply decided not to register what is plainly before their eyes.

To be as clear as possible, I shall tell *Eyewitness*'s story backward (which, as with all thrillers, is of course the way it was written). The movie's murderous assassin turns out in the end to be an Israeli secret-service officer (Christopher Plummer), doubling in the first scene as a fund-raiser for the rescue of Soviet Jews (which shows how much Tesich knows about hit teams). "Joseph," for that is his name, has murdered an unappetizing ex-South Vietnamese who had been serving as intermediary with the Russians to—and this, like so much else in the movie, defies probability—buy Jews out of the Soviet Union. But the wily South Vietnamese is not the only victim of

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Israeli fervor. An innocent American janitor who talks to horses (William Hurt) has knowledge of the murder, so he becomes the target of repeated assassination attempts by Joseph, all staged with the traditional paraphernalia of spy thrillers: scary music, atmosphere of nameless dread, etc., etc. Finally, comes what is perhaps Joseph's most loathsome crime: he poisons the janitor's dog, and a big, lovable dog at that. Now in the real world of secret operations, innocent witnesses are perhaps killed and pets poisoned even by "good" people. But in the thin world of the thriller movie a man who poisons dogs is a bad, bad man.

THE middle parts of *Eyewitness* (working forward) are devoted to the love affair between the janitor, Daryll Deever, and a rich Jewish girl, Tony Sokolow (Sigourney Weaver), who is also a television reporter (Tesich has admitted that the character and situation were suggested by his long-time crush on CBS's Lesley Stahl). Tony's rich Jewish parents do not approve of her love affair with a janitor (nicer people, presumably, would have been delighted), though in fact a less likely janitor than Hurt, fresh from his role as a Columbia professor in *Altered States*, can scarcely be imagined.

For quiet unlikeliness, however, no scene in this movie goes much further than its opening, the fund-raising evening which has Tony and other family members playing chamber music against the extravagantly opulent setting of a New York town house. I am not an expert on the social nuances of New York Jewry, but I'm still wondering how a group of recent Russian immigrants could possibly have made so much money so fast. But they had to be Russians, both to give the film its veneer of timeliness and to make possible a later scene, where Joseph, asked to spare the life of the innocent janitor, replies to Tony's Russian émigré parents, "And how do you know how much innocent blood was spilled to get you out of Russia?" And as though this were not enough to communicate the moral ambiguity of these refugees, it is followed almost immediately by the key scene in the film, in which Tony, who has grown progressively more estranged from her parents, suddenly sees them for what they are, foreigners, monstrous fanatics, Zionists, and cries out in horror, backing away from them, "I'm afraid of you!"

There is no arguing with this scene. There it is. And Tony leaves Zionist Mom and Dad for the Gentile janitor.

That is not to say that the movie is without hope. If you are a beautiful Jewish girl, preferably one who looks like Sigourney Weaver, and if you are willing to extricate yourself from your sinister family life with its alien loyalties, and throw in your lot with real Americans, then you can be taken into the bosom of America, along with Steve Tesich.

Tesich is not an average American. Born in a small town in Yugoslavia, he arrived in East Chicago, Indiana, at the age of fourteen, and talks endlessly in interviews about being "in love with America." But the America he is in love with seems to be the Columbia campus of 1968, where, as a graduate student in Russian literature, he heard the siren song of Mark Rudd —alongside whom he took a playwriting class—and does not seem to have recovered. "We had the sense of a community of people heading in one direction toward something wonderful," he has said, adding that he has preserved his 60's idealism "intact," and that he was marked by the period "for life."

As must be obvious from the above quotations, the mark left by this period is very evident in *Eyewitness*, which is a stubborn attempt to reassert the 60's counterculture view of the world. If the best external enemy that can be found is Israel, with an assist from some left-over devils from Saigon, then the true enemy and evildoer is still America, since the principal reason Israel is singled out for vituperation has always been that it is connected so intimately to the United States. So the anti-American Left is far from dead. It is alive and making movies.

IT WOULD be hard to imagine an international, covert-action movie more different from *Eyewitness* than *Nighthawks*, which starts from the premise that an international terrorist movement actually exists, and goes on to speculate about the possibility that it could strike in the United States as it has in Italy, Germany, Spain, and Ireland.

The plot of *Nighthawks* gets under way when it is learned that the world's most famous terrorist, "Wulfgar" (suggested by the notorious "Carlos," with echoes of the Baader-Meinhof gang) is on his way to New York. What to do? An anti-terrorist team is assembled in New York under the leadership of an Englishman—this to underline the international nature of the problem, and also perhaps to call to mind the spectacular success of Britain's SAS in storming the Iranian embassy in London when it was taken by terrorists last year. The film's hero, Deke DaSilva (Sylvester Stallone), is a New York cop and a member of the anti-terrorist squad. In the original version of the screenplay, which was circulating among the major studios in Hollywood some two or three years ago, DaSilva was a cop, period. He had no biography. But as the mood of the country changed, so did the scenario. In the version that finally reached the screen he has been given a past, and what a past. Former lieutenant in the army's celebrated "First Cav" in Vietnam. "Fifty-two certified VC kills."

With the exception of John Wayne's successful *The Green Berets* in 1967, before the anti-war movement hit its peak, the American cinema reacted to the Vietnam war with a great silence. After the war, and after a rather long wait, with the peace movement still near the front of public consciousness, came that movement's distillation of the truly representative Vietnam veteran, the character played by Jon Voight in *Coming Home*—a cripple. But suddenly the mood began to change and we got Robert de Niro in *The Deerhunter*, and just last year Steven Railsback in *The Stunt Man*, both soldiers and veterans who are patriots again, if scarred and bitter. And now, at last, triumphant, we have Stal-

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lone as Deke DaSilva, unmaimed either physically or spiritually, a military hero in the old mold, proud of his war record in Vietnam and ready again "when his country calls." I cannot describe the exhilaration that swept over the audience at the sight of one of America's greatest film idols, manly, powerfully built, playing a hero who has killed his country's enemies in Vietnam and come back proud. This character has hardly been seen on American screens since *The Sands of Iwo Jima.*

The Englishman instructs his anti-terrorist squad, explaining that policemen, unlike terrorists, are trained in the use of non-lethal force, and are supposed to raise force to the required level only cautiously. Terrorists' entire purpose, however, is lethal. In the split second while the policeman is deciding whether the ultimate level of force is needed, Wulfgar shoots, and the policeman dies. Although it is never put in so many words, the lesson imparted is perfectly clear. When dealing with a terrorist, *get him before he gets you.* DaSilva at first has a problem of conscience. "What's the matter with you?" he is asked irritably. "You made fifty-two kills in Vietnam. What do you think we picked you for?" "But that was war," DaSilva answers. At his first encounter with Wulfgar, the terrorist who has killed time and time again, DaSilva cannot bring himself to open fire because Wulfgar is escaping in a crowded subway car and a miss could kill innocent bystanders. The policeman's black partner, Matthew Fox (Billy Dee Williams), on the other hand, has gotten the new message right from the start and, blocked, is screaming, *"Make the shot, Deke! Make the shot!"* By the end of the movie, rest assured, Deke "makes the shot."

A genuine problem of civil liberties is involved here, of course, and *Nighthawks* is too much of a commercial genre movie to face it squarely. The general principle is that, when dealing with ordinary criminals, who kill selected individuals chiefly for economic gain, a policeman opening fire in a crowded subway car could do more damage to the citizenry at large than the criminal would be likely to do if allowed to escape. But when the felons involved are terrorists whose entire goal is to inspire terror and to kill, the balance shifts drastically. When Britain's SAS hit the Iranian embassy in London, West Germany's Leatherheads the airfield at Mogadishu, or the Israelis the airfield at Entebbe, the death of innocent civilians if it occurred was to be regretted, but had to remain a secondary consideration. The primary objective was to destroy the enemy.

Anyone who has studied the subject at all realizes that, when a major terrorist campaign takes hold in a country, that country's civil liberties are reduced as surely as night follows day. In an early scene in *Nighthawks,* just to set the mood, Deke DaSilva drags a criminal he has just knocked out across a deserted subway platform while droning the words of the Miranda warning to the unconscious body: "You have the right to remain silent. You have the right to legal counsel. . . ." The scene wins a roar of laughter from the audience, and I would say—no doubt to the horror of the ACLU—a roar of approving laughter.

WHERE *Nighthawks* gets evasive, and even silly, is when it comes to the key question. Who is Wulfgar anyway? Whom is he working for? We are asked to believe that he is a "free lance" terrorist, come to New York to seek "publicity." If he succeeds in a big enough *coup,* presumably, the various terrorist search committees will get wind of it and be in touch with him (through the phone book, perhaps).

To be fair, however, it could be argued that this evasiveness is merely Hollywood's old, commercial reluctance to make a straight anti-Communist film, no worse than fudging the fact that Dr. No was originally supposed to be a Moscow agent. Otherwise, the film is unusually forthright in acknowledging political realities: Wulfgar (played by the Dutch actor, Rutger Hauer) is identified as a former member of an "international terrorist organization" with links to the IRA Provos; Wulfgar's female sidekick (Persis Khambatta) is identified as an Arab. When Wulfgar, holding a carload of passengers hostage on the Roosevelt Island aerial tramway, demands the liberation of four "political prisoners" in American jails, the names mentioned are respectively Arabic, Spanish, German, and Oriental. But, most important of all, Wulfgar calls himself a "liberator," and we learn that he is a graduate of Patrice Lumumba University in Moscow.

Maybe there's a real enemy out there again. Maybe Sly Stallone knows.

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Books in Review

Doing Less

SOLVENCY: THE PRICE OF SURVIVAL. AN ESSAY ON AMERICAN FOREIGN POLICY. By JAMES CHACE. *Random House. 112 pp. $9.95.*

Reviewed by PETER W. RODMAN

THIS is a book that could only have been written in the Carter administration. Aside from a few last-minute additions acknowledging the outcome of the election, it clearly was. It both reflects the mood and philosophy of that era, and suggests a line of attack that some will undoubtedly take in challenging the foreign and defense policies of Ronald Reagan. Since it comes from the pen of a man who has been managing editor of *Foreign Affairs* for the last twelve years, it also offers intriguing clues as to where our contemporary establishment would lead us if it had the chance.

James Chace's book is an elegant little sermon taking as its text Walter Lippmann's observation that a foreign policy is "solvent" only if a nation's commitments and its power are brought into balance. Chace chooses to treat the metaphor of solvency literally, launching into an extended analysis of America's economic problems. His description of our economic mess is not wrong: inflation and recession, the weakness of the dollar, the decline of urban and social services, the neglect of capital formation, the decline in productivity, and our dangerous dependence on imported energy. He appeals, with good reason, for a revitalization of the American economy as a fundamental national—and international—priority.

Chace treads lightly, however, when it comes to offering solutions. Other than calling for an energy program and dallying with the statist prescriptions of Felix Rohatyn, he more or less throws in the towel. Essentially resigned to the chronic weakness of the American economy, Chace shifts his attention to the other side of the ledger, recommending that we accept the limitations of our power and trim our foreign-policy objectives to conform to our diminished capacities. For his book is a sermon on foreign policy, not on economics. The dismal economic diagnosis serves to soften up the reader for the true message: that overextension and overcommitment abroad have weakened our foreign policy and have even been a main cause of our economic woes. We must redefine our "truly vital interests" more narrowly, Chace concludes, confining our exertions to areas where the security of the United States is "directly affected."

To be sure, he pays obeisance to most of the principles that now clearly inform the American consensus: the importance of allies; the need for a strategic balance and strengthened conventional forces; the danger of Soviet expansionism; the vulnerability of the Persian Gulf and our oil lifeline. But when he gets down to cases, the call for "solvency" always ends up arguing for retrenchment. This is not the prudential advice of a Robert W. Tucker or a Paul Nitze that we are forced by circumstances to reduce our commitments while we rearm. On the contrary, Chace is no more eager for rearmament than for an expansive foreign policy, and the real reasons have nothing to do with his learned disquisition on economics.

With respect to the Soviet Union, Chace's main concern seems to be not the danger of Soviet expansionism but the danger of American overreaction. It is "questionable" whether we can really afford a new cold war, he warns; "our ability to implement a meaningful foreign policy, with respect to Russia or even El Salvador, depends on the strength of our economy." We cannot afford the MX either, and should probably scrap all land-based ICBM's in favor of "cheap mini-submarines." But this is no cause for alarm, since "we are not yet in a position of overall military inferiority to the Soviet Union." One might think, on the contrary, that if our capacity to sustain a military establishment is so weakened we should be alarmed indeed.

Chace's *deus ex machina* is arms control, not only to avert a costly arms race but also to keep faith with our allies, who seem desperately to want it. The collapse of détente only makes arms control more necessary, he argues, "since for some time to come such agreements may be the only instruments left to us to contain the ultimate danger of the Soviet-American global competition." Here Chace, to say the least, is placing a burden on arms control which it cannot conceivably carry. If there are no other limits on Soviet-American global competition, it is hard to see how arms control can survive, let alone substitute for the objective conditions of geopolitical restraint that are the prerequisite of global stability.

In any case, Chace is not all that certain that Soviet policy is really marked by a "crude . . . expansionism that aims at control of territory and peoples." The military build-up could just as well be an effort to "make the USSR a global power at least equal to, if not surpassing, the United States." In other words, a question of status, of a place in the sun. Countries overwhelmed by Soviet or Cuban intervention can take comfort in the distinction.

Chace takes up the important philosophical question of whether American foreign policy should be directed against Communism or against Soviet expansion. For him there is no dilemma—he rejects both. A broadly based anti-Communism he considers dangerous because it turns into a "crusade . . . in virtually every corner of the globe." This is too great a burden. But a policy centered on anti-Sovietism likewise "makes no sense for the United States," because we have so many vital foreign-policy problems that either do not involve

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Defend the Family
Sensibly

Finally, the health of the family has become a top priority item on the national agenda of concern. It's about time, for the family is the premier humanizing institution of our society. The family is where love is grounded and actualized in commitment, where we learn to give as well as receive, where the harsh judgments of the marketplace can be neutralized by love and forgiveness. It is the embryo of a better, less impersonal, less calculating society. It is our children and our future.

But **there are lethal forces at loose eating away at the health of the American family:** women's lib extremism *and* the battering of wives and children, abortion *and* unemployment, "gay" politics *and* careerism, pornography *and* greed, and even the television-as-babysitter.

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the Soviets directly or may even "invite cooperation with them." By this he means the "transnational forces that threaten international order—such issues as the environment, exploitation of the sea beds, nuclear proliferation, and international terrorism." For those who regard oil spills as a central strategic issue of international peace, this may be convincing. "Inviting" Soviet "cooperation" on international terrorism may also be a bit harder than Chace imagines. If Claire Sterling's recent investigation of international terrorism* is to be believed, the Soviet Union is not part of the solution but a major part of the problem.

IT SHOULD BE apparent by now that Chace's foreign-policy advice, purportedly deduced from our economic weakness, has left economic analysis far behind. It is absurd to imagine that a vigorous American foreign policy would pose an economic burden. In Angola in 1975, the Soviet/Cuban intervention could have been stopped if Congress had not blocked a $30-million arms-aid appropriation earmarked for the anti-Communist forces. The sum was trivial. It is ludicrous to claim, as Chace does, that a strong American policy in El Salvador "depends on the strength of our economy." It is not obvious how the tiny economic and military aid program for El Salvador would break David Stockman's budget. Nor would aid for the Afghan rebels—which Chace endorses—or for Pakistan. Not every effort to resist Communist expansion involves 500,000 American troops, $150 billion, and ten years of war. The specter of "insolvency" is really the specter of another Vietnam, and to raise this bugaboo at every turn is either foolishness, timidity, or demagoguery.

If the test were economic and the main danger one of overextension, then surely the security of the Western Hemisphere ought to be regarded as a priority. Even the worthy Walter Lippmann, to whose admonitions Chace is so devoted, defended Lyndon Johnson's Dominican Republic intervention; to Lippmann it was more natural and explicable than, say, the far-away adventure in Vietnam. But Chace has no patience for this either. We should be "especially prudent" in exercising our power in this hemisphere precisely *because* of our undoubted preponderance. In a revealing passage he warns:

> The greatest danger we face in the Western Hemisphere is likely to come from our tendency to misunderstand the nature of revolution in the region and to attribute the rise of left-wing, revolutionary regimes to the machinations of the Soviet Union and thus to frame policies for the hemisphere solely in terms of the cold war.

All the moralizing myopia of the Carter administration is here, all the ideological predilections that typified Andrew Young even if clothed in more sophisticated "analysis": the notion that all leftist revolutions in Central America are indigenous and autonomous, that the Soviet Union is never involved, that they raise no threat to the United States, that we must be on the side of progressive change—in short, that the main enemy is our own overweening power. No Cuban military ties with the Soviet Union, no Nicaraguan endorsement of the Soviet Afghan invasion, no coordinated international Communist arms supply to the Salvadoran Left intrudes into Chace's philosophy. The impact on Mexico if all of Central America becomes radicalized does not figure in his calculation.

Yet if America has indeed lost its global economic and military predominance, as Chace argues, then his prescriptions are exactly the wrong ones. When our power was overwhelming and the dangers far away, we could wait for threats to become glaringly clear. We could debate endlessly whether incremental challenges were a serious threat, because we had the luxury of preeminent power that could be brought to bear effectively even when the menace had grown obvious and direct. Today we have lost this margin of safety, and this is precisely why we can no longer afford the sanguine assumptions that always seem to constitute an excuse for passivity. Angola was not strategically vital in itself, but it was the first step of what was allowed to become a massive Soviet/Cuban intervention all over Africa. The April 1978 Communist coup in Afghanistan was not something we could have prevented, but it should have alerted us to a bolder Soviet policy in Southwest Asia which two years later would be seen clearly as menacing the Persian Gulf. For all that he acknowledges the Gulf as a vital American interest, Chace's prescriptions of timidity would augur ill for all moderate regimes in the area whose insecurity is in great measure a result of American weakness—a weakness underscored if not created by four years of policies following precisely the precepts he now urges upon us. And in El Salvador—itself hardly a linchpin of global equilibrium—the issue is indeed whether America will acquiesce in yet another externally-aided assault on moderate and pro-Western forces, thereby accelerating all the worst trends and making it more likely that a serious and direct danger to American security *will* soon stare us in the face.

WE ARE confronted by a Soviet geopolitical challenge that is by its nature incremental. In its early stages the stakes seem marginal, but cumulatively they can amount to a disastrous change in the global balance of power. Yet this has always been a difficult concept for Americans to grapple with. Liberals raise perennial doubts about the strategic importance of the threatened country, or about its moral worthiness as a recipient of our aid. Many conservatives, coming out of an isolationist tradition, find foreign intervention painful and all forms of foreign assistance unattractive—Jesse Helms voted against the Ford administration's effort in Angola. The rhetoric of human rights or of anti-Communism is a lot easier than hard decisions, never free of risk, to respond to challenges whose significance can never be proved until they have grown overwhelming, but which can be headed off easily only *before*

* *The Terror Network* (Holt, Rinehart & Winston).

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they reach that state of self-evident danger. Today this may well be our central foreign-policy problem.

One function that an establishment is supposed to perform is to educate and lead the country to face up to its necessities. This is why Chace's evasions are so disappointing. The issue, finally, is not resources but perception, not GNP but the willingness to act. Ultimately the costs of escapism will be far greater than those of effective resistance. The Reagan administration needs little instruction on the importance of restoring our economic solvency. But regardless of the fate of its economic policies, its foreign policy will be judged by whether it contained the Soviet geopolitical assault, not by whether elegant excuses were available for doing less.

Blind Hatred

DOSTOEVSKY AND THE JEWS. By DAVID I. GOLDSTEIN. *University of Texas Press. 217 pp. $17.50.*

Reviewed by STEVE ZIPPERSTEIN

An exuberant twenty-three-year-old Fyodor Dostoevsky related in a letter to his brother in 1844 the literary projects he planned to undertake now that he had completed his degree at the St. Petersburg School of Engineering. He wrote that he was contemplating the writing of three plays, *Maria Stuart, Boris Godunov,* and *The Jew Yankel.* None was ever completed—the young writer soon turned from drama to fiction—but the three titles foreshadowed interests that would prove to be lifelong and intense: a fascination with Schiller, who had treated the theme of Maria Stuart in his unfinished *Demetrius*; with Alexander Pushkin, whose *Boris Godunov* was greatly admired by Dostoevsky; and with Gogol, whose *Taras Bulba* had introduced the character of Jew Yankel. *The Jew Yankel,* the only one of the three plays that Dostoevsky apparently began to write, also presaged a preoccupation with Jews more acute than that of any other 19th-century Russian novelist.

This preoccupation was reflected in articles of such ferocity and in fictional characterizations of such coarseness and uncharacteristic lifelessness that most interpreters of Dostoevsky have embarrassedly passed over this feature of his work with little if any notice. This inattention, amounting to something of an embargo, can also be traced to several other factors. Soviet students of Dostoevsky, for instance, found it necessary to suppress references in his unpublished work to sentiments contradicting official Soviet ideology. Furthermore, the inclination of some scholars to view Dostoevsky's extensive journalistic activities as peripheral to his major concerns resulted in a neglect of the brutal attacks on Jews often found in his articles. In addition, the well-known (but now largely discredited) "polyphonic" theory of M.M. Bakhtin—according to which Dostoevsky's novels are made up of numerous voices, none of which expresses the view of the author—forced much Dostoevsky scholarship into a rigidly formalist mode that discouraged efforts to examine his views on Jews (or any other issue of substantive concern). Perhaps most important of all, once Dostoevsky came to be seen as the quintessential Russian writer of the 19th century, not a few turn-of-the-century Russian-Jewish intellectuals and others eager for a Russian-Jewish symbiosis found it inopportune to acknowledge the intensity of his antipathy toward Jews.

David I. Goldstein's book, published originally in French in 1976 and now translated into English by the author, an American scholar, approaches this complex subject with admirable sobriety and rigor. Limiting himself to a meticulous exposition of Dostoevsky's ideas about Jews as they appear in his novels, articles, and letters, Goldstein avoids the protracted philo-

STEVE ZIPPERSTEIN, *a new contributor, teaches Jewish history at Cornell and is at work on a study of Odessa Jewry in the 19th century.*

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sophical meanderings that Dostoevsky (through no fault of his own) has frequently inspired in his interpreters. On the whole, *Dostoevsky and the Jews* is a model of judicious scholarship.

DOSTOEVSKY's earliest characterizations of Jews were drawn from the repertoire of highly stylized and unfavorable descriptions that served nearly all Russian writers through much of the 19th century, "liberals" like Saltykov-Shchedrin and Chekhov no less than "reactionaries" like Gogol. Already in Dostoevsky's first feuilletons the term *zhidi*, the Russian equivalent of "kikes" which Dosteovsky preferred to the neutral *evrei*, is frequently linked to "moneylenders," "creditors," and "slanderers," and this at a time when it is unlikely that Dostoevsky had ever so much as seen a Jew.

It was in *The House of the Dead*, a series of sketches published by Dostoevsky in 1860-62 after his liberation from prison and compulsory military service, that he introduced his first Jewish character, the prisoner Isai Fomich Bumstein. Though modeled on a certain Isaac Bumstein, who served a sentence at the Omsk prison at the same time as Dostoevsky, Isai is a familiar amalgam of unflattering yet curiously discordant characteristics. The hapless Bumstein is abused by the author in every conceivable way, described as being at once stupid, shrewd, lazy, tireless, cowardly, and insolent. His physical appearance, his manner of speech, his almost monomaniacal greed, and even the way he showers are the subjects of preposterous caricature. Isai emerges as the only comical figure in a work of otherwise harrowing intensity.

Dostoevsky's first trip abroad in 1862 was a major turning point in his intellectual and artistic development and in his attitude toward the Jews. He took the trip within a year of the emancipation of Russia's serfs, an event which Dostoevsky, and nearly all Russia's intellectuals, applauded, though they sensed that it might lead to a convergence between Russia and the rest of Europe, a prospect which many had come to view with skepticism. Seeing Europe (for which, as he writes, "I had been dreaming . . . in vain for almost forty years") persuaded the increasingly conservative Dostoevsky that Russia must at all costs resist going the way of the West, with its complacent bourgeoisie utterly indifferent to the misery surrounding it. Drawing on Russia's immense spiritual resources—still, for the most part, untainted by the decadent materialism that he thought had overwhelmed Europe—Dostoevsky envisioned a Russia that would redeem the world from the despotism of Western liberalism.

But Dostoevsky came to feel that the Russian messianic ideal was challenged by a discredited yet mysteriously obdurate opponent—the Jews. Though they complained incessantly of persecution at the hands of others, the Jews constituted the most potent threat to the triumph of those ideas which Dostoevsky held dear, still intent as they had been since the days of Moses to impose their will on all mankind. The Jews were thus transformed in Dostoevsky's mind from contemptible to wickedly impregnable figures. He posited a strange Manichean opposition between the Russian-Christian ideal and the Jewish ideal, an opposition which suggests, though Goldstein does not raise this point, an iconoclastic and even heretical interpretation of the traditional Christian view of the relationship between the Old and New Testaments.

His preoccupation with the challenge posed by the Jews was vividly reflected in Dostoevsky's novels. Indeed, Goldstein shows how Dostoevsky's antipathy toward Jews, and his desire to impute to them the basest of motives, necessitated that he traduce the artistic truth of several sections of his major novels. In a well-known passage in *The Brothers Karamazov*, for instance, the hysterical Liza Khokhalakova asks Alyosha, the chaste character who serves as Dostoevsky's emblem of Russia's spiritual redemption, whether it is true "that at Passover the Yids steal and slaughter children?" Alyosha answers, "I don't know." "What demonic force," asks Goldstein, "incited Dostoevsky to betray Alyosha, the pure, virtuous, the godlike, his Alyosha, who, in other circumstances, responded with a ringing No to the question: would you be willing to build the future happiness of mankind on the tears of a single baby?" As Goldstein writes:

> Alyosha's evasive reply is not justifiable on either human or artistic grounds . . . [and] . . . in betraying Alyosha, Dostoevsky betrayed himself. Driven by a blind hatred against a people, ostracized and execrated in the country of their adoption—the only homeland they knew—Dostoevsky, humanist and Christian, in the twilight of his life, did not shrink from endorsing, with all the authority he commanded as both man and writer, an ignominious myth and odious lie. Thus, he knowingly and willfully incited his people . . . against the "people of the Book."

WHAT Goldstein's study does not tell us is the source of this "blind hatred." Goldstein says nothing, for instance, about the degree to which Dostoevsky's beliefs may be traced to the profoundly religious training he received in his parents' home, a training which, as Joseph Frank has demonstrated in *Dostoevsky: The Seeds of Revolt, 1821-1849*, explains much about the tenacity of Dostoevsky's religious attachments. Goldstein also does not explore the impact on Dostoevsky of Western and Central European anti-Semitic ideas (except in the context of his friendship with the arch anti-Semite Pobedonostev), though Dostoevsky's prophecy of the future spiritual reconciliation of all Aryan peoples in his famous "Pushkin Speech" (1880) suggests at least some influence from those quarters. Nor does Goldstein shed light on the intriguing discrepancy between Dosteovsky's rapturous odes to the Old Testament and his condemnation of biblical Israel and perhaps even the God of biblical Israel. He tells us only that Dostoevsky's anti-Semitism was, at the most fundamental level, the product of an "innate, almost organic aversion for Jews," which reflected "*a priori* feelings of repugnance." This is no doubt true, but it is not enough.

If these omissions and lapses on

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Goldstein's part are regrettable, the one thoroughly disappointing feature of the volume is the foreword by Joseph Frank, one of the leading experts on Dostoevsky in the United States. Frank writes that Goldstein's book, which is both "valuable and indispensable," left him with an "unrelieved sense of dismay" since it added up to "an implacable indictment" of Dostoevsky. Nevertheless he argues that Dostoevsky was less consistent and more tortured on the Jewish Question than Goldstein cares to admit. Frank points in particular to the last section of Dostoevsky's lengthy article on Jews in "The Diary of a Writer," where Dostoevsky quotes favorably and with some sympathy from a letter written to him by a young Jewish correspondent and even speaks haltingly of the possibility of some future reconciliation between Christian and Jew. Frank sees this as indicative of a less than monolithic approach to the Jewish Question. Though he admits that Dostoevsky was unquestionably anti-Semitic, he contrasts Dostoevsky's willingness to entertain one or two isolated exceptions to his general evaluation of the Jews with Richard Wagner's wholesale, indivisible contempt for the Jewish people.

Yet, as is well known, Wagner too, in his notorious essay "Jewishness in Music," a sweeping condemnation of the impact of Jews on modern cultural life, made a special exception for the Jewish-born writer Ludwig Börne, a disclaimer which in no way could be said to qualify the general thrust of his essay. Similarly, Goldstein's study persuasively demonstrates that, despite some apparent equivocations, Dostoevsky's attitude toward the Jews, at least from the early 1860's until his death in 1881, was one of overpowering revulsion and fear. Little can be said to exonerate him, and what little Frank does muster is decidedly unconvincing. The reader does indeed put down this study with an "unrelieved sense of dismay," tempered perhaps by a recognition of the truth of Dostoevsky's own insight that "the greatest artists could be the worst scoundrels and that there was nothing incompatible between the two."

How We Lost?

SELF-DESTRUCTION: THE DISINTEGRATION AND DECAY OF THE UNITED STATES ARMY DURING THE VIETNAM ERA. By CINCINNATUS. *Norton. 288 pp. $15.95.*

Reviewed by SETH CROPSEY

L. QUINTUS CINCINNATUS, a landowning Roman who lived in the 5th century B.C.E., was famous for two things: leaving his plough to heed Rome's call when the Sabines threatened—and then returning home after routing the enemy. Fortunately for Rome, the man was

SETH CROPSEY *is on the staff of the Hudson Institute and is currently working on a book about military manpower.*

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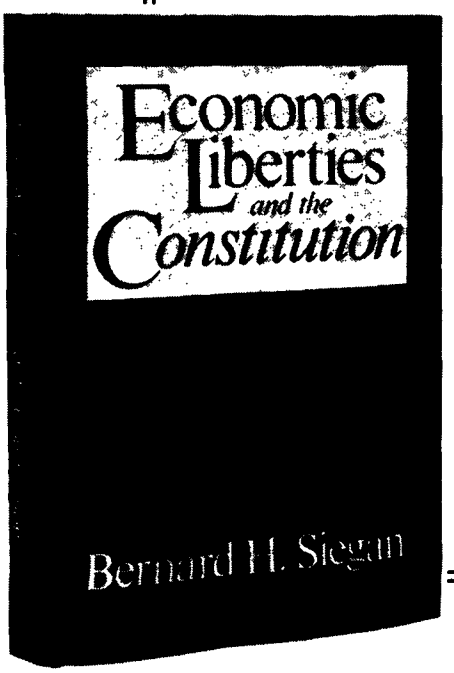

ECONOMIC LIBERTIES and the CONSTITUTION

Bernard H. Siegan

In this challenging book, Siegan declares that, if the Supreme Court were doing its job as the Framers of the Constitution and the Fourteenth Amendment intended, the nation would be much less burdened with excessive economic regulation. He points out that, while the Court is zealous in terminating state laws that threaten free expression, sexual privacy, or religious observance, since the 1940s it has done nothing about laws that limit the right of individuals or private corporations to engage in legitimate economic activities.

The result has been to give governments at all levels much greater power over the economic system and to harm society by inhibiting production, raising prices, curtailing competition and creating unemployment. Those most often harmed, concludes Siegan, are those who were supposed to be protected–people on the lowest rung of the economic ladder. 383 pages. $19.50

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not given to ambition. As the historian Livy observes, Cincinnatus had been known to say that "the distemper of the state was not such as could be stopped by the usual remedies; that the commonwealth stood in need of a dictator." Being made dictator was, in fact, the condition he insisted on before leading the Romans into battle. Cincinnatus took a dim view of his country's political institutions. Still, his name has come to be synonymous with duty and selfless patriotism, and those are surely the qualities which the author of *Self-Destruction* had in mind when he chose Cincinnatus as his *nom de plume*.

The book's jacket suggests that the author is about fifty years old, and states that he served as a private in Korea and worked his way up to field-grade officer, which means colonel. It has subsequently been revealed that the author's real name is Cecil B. Currey, a professor of American military history and a chaplain in the Army Reserve who has had a Pentagon assignment since late 1979.

According to Cincinnatus, the army blames our defeat in Vietnam on a failure of politicians and of political will. He rejects this explanation and blames the army. *Self-Destruction* is for the most part a catalogue of accusations against the army's prosecution of the Vietnam war. The book is thus a collection of stories and details drawn upon to illustrate particular military shortcomings and mistakes. Broadly speaking, what connects these incidents and data is the author's judgment—which is not stated explicitly—that the trouble with the army is that it was, and still is, preoccupied with logistics, obsessed with statistical modes of analysis, insensitive to strategy, and corrupted by careerism.

Cincinnatus argues that our ground forces in Vietnam relied much too heavily on firepower. This is a view he shares with Ward Just, who noted in his 1970 book, *Military Men*, that "in one year the army fired more than a million rounds of artillery in harassment and interdiction alone." Cincinnatus believes that this extravagant barrage accomplished little of value. Enemy soldiers simply dived for their foxholes; the unavoidable imprecision of artillery killed many innocents, and alienated the survivors.

Massive firepower has been a commonly acknowledged characteristic of the American military for a century. In Vietnam, it was used in the service of the so-called "war of attrition." A policy of attrition is undertaken when it appears to one side that the death of adversary soldiers—as opposed, say, to starvation of the enemy's civilian population or destruction of his primary economic areas—will bring a war to its speediest conclusion. The minimal requirement of such a policy is that the enemy soldiers be easily identifiable, usually by uniform. This was a problem in Vietnam.

As the author observes (like others before him), since the objective of the Vietcong was not to win engagements so much as to stay in the field, the real difficulty with the policy of attrition was that it ultimately depended on what the enemy was willing to pay. So long as he was willing to accept a high casualty rate, the defending army's task was compounded. This became especially problematic in light of the advantage the Vietcong had as a guerrilla force that could choose its own time and place of attack, and hence exercise some sort of control over its losses.

The American strategy, or lack of strategy as some have termed it, thus generated its own vulnerability, which in turn played into and reinforced Defense Secretary McNamara's weakness for statistics. To show their success in pursuing "the light at the end of the tunnel," military leaders who could not produce a list of cities taken or miles covered in advancing a front leaned more and more on the number of enemy killed. This suited McNamara's boundless thirst for figures and all manner of numerical analyses. A Vietnamese army officer is reported to have exclaimed, "Ah, *les statistiques*. Your Secretary of Defense loves statistics. We Vietnamese give him all he wants. If you want them to go up, they will go up. If you want them to go down, they will go down." In the matter of bodies counted—the surest measure of an attrition policy's success—McNamara wanted the figures to go up, and they did.

The body count became a fixed and holy point of reference in the effort to conclude the war. In its name the most fundamental deceptions were practiced by lower-ranking officers, and these were multiplied by the self-deception of those who made the policy. Pressed to bring in higher body counts, field commanders did their best to oblige. A trail of blood would be counted as a body on the assumption that any wound big enough to cause such a trail must be mortal. Eventually, abandoned weapons were included as well. Units operating in the same area began to overlap their counts. And as pressure grew to report higher numbers, so did the belief that bigger counts meant military progress. Eventually, says the author, "such estimates took on a reality of their own, transcending anything that might have actually happened."

CINCINNATUS implies that this removal from the day-to-day facts of the war was the natural result of a broader isolation at the staff level. Nowhere was this more pronounced and destructive than in the unforeseen results of the elaborate rotation scheme the army worked out to insure that officers received combat experience. As others have written (most notably Paul Savage and Richard Gabriel in their 1979 book, *Crisis in Command*), ever since the end of the Korean war the military has been busy remaking itself in the corporate image. Efficiency, managerial techniques, and computerized battle models have come in; duty, leadership, and strategy in the historical sense have gone out. What used to be known as war has come to be called "combat experience," something like the sales experience which management trainees are required to undergo regardless of their ultimate corporate responsibilities. As one of Cincinnatus' sources put it:

> Vietnam was the only war we had. You needed a combat tour, you got one. The main thing was to have the right ribbons on your chest when the war ended. If you were the village idiot and

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> couldn't do anything except fly around in a helicopter and ask troops if they were getting their mail, you still got six months. The justification for the six-month command was . . . that after the war the army would have a lot of people . . . who had "commanded" in combat.

Good officers were pulled out too fast, too many mediocre officers were put in, and few officers were left in charge long enough to develop the crucial rapport needed in combat units. One of the most dismal consequences was that some career men looked first to their personal safety, and led from helicopters above the engagement instead of on the ground in its midst. A soldier recounts, "overhead would be circling our battalion commander. Above him would be his brigade commander. Higher than both would be his division commander and hovering over him would be his corps commander."

THE analysis of the army put forward by Cincinnatus is not entirely original—in fact, it has been argued with considerably greater cogency and force by, notably, Edward N. Luttwak in these pages.* What is new is that the points should be made from within the Pentagon. This is certainly a welcome development, but unfortunately it does not lead very far in the direction of an improved outlook for the future.

Cincinnatus proposes a number of solutions to the problems he describes; they are longer on good intentions than on good sense. Trying to steer away from the combination of massive firepower with minimal sensitivity to politico-military strategy, the author urges an overall computer record of military action. In Vietnam, for example, he would have computerized the French experience and made it available to field commanders. But this is just a refinement of the military's dependence on technology—the idea being to replace big guns with big computers. In Vietnam such a plan might have provided a constant and thus beneficial reminder that European-style tactics would not do—but it could not have told anyone what *would* work. The answer to that problem is more likely to emerge from direct experience and the study of military history. And the latter is a subject the army has never been keen on, preferring instead to tilt officer education in favor of engineering, quantitative analysis of battle scenarios, and multifarious behavioral approaches to personnel problems.

Cincinnatus does deal with the importance of military education in correcting the ills he has located. But he is unwise on this subject as well. "Let there be no doubt about it," he writes, "the basic problem from which all else arose was an ethical one." What he means is that "ethical" men would not lie about body counts, or take part in an outrage like My Lai, or countenance the most flagrant excesses of careerism. His solution is a Defense Ethics Institute which, in a nod to the current ethics fad, would teach not how one ought to behave but those standards which civilized society acknowledges. The author proposes that the officers who attend this institute will return to their services and form discussion groups—and chaplains will run it all!

Perhaps, in light of the author's identity, this proposal is merely self-interested—but nothing so exotic is in fact needed. The issue raised by the body count was not essentially one of dishonesty, nor was the practice in and of itself debilitating. It arose as the natural and practically unavoidable response of subordinates to the ill-conceived plans of their superiors. Studying ethics will never repair the want of good strategy, nor are ethical considerations likely to restrain men like Lt. Calley. In a healthy military, however great the need to expand the officer corps, it is never so great that a man like Calley should be made an officer—and even then, it is a major point of discipline to prevent incidents like My Lai from taking place. Similarly with the problem of careerism, which encourages

* "A New Arms Race?" September 1980.

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officers to worry about ticket-punching and the next rung up the ladder instead of about the men under their command.

BUT the chief flaw in *Self-Destruction* is not its useless recommendations. Rather, it lies in the thesis, which is that the army was responsible for losing the war. The explanation is a tempting one, but it is wrong. The army fought hard, in many cases well, and at crucial junctures successfully. Just about every military analyst agrees that the Tet offensive was ruinous to the enemy (though the army may indeed be guilty of not having pursued the routed North Vietnamese forces). The press, however, chose to see Tet as an American failure, and the country as a whole believed that account; after Tet, anti-war sentiment grew and, more important, popular support began to slip. The causes of the United States defeat in Vietnam are numerous, interwoven, and still hotly debated. But it is inexcusable to overlook the fact that the nation was divided over the war and that popular sentiment for it steadily dwindled—for which the army cannot be blamed.

At the battle of Antietam during the Civil War, North and South lost 27,000 men in a single ghastly afternoon—about half the casualties of the entire Vietnam war and a much more significant fraction of the total population. Yet the war ground on. If the man who calls himself Cincinnatus were really interested in understanding why we lost in Vietnam, he should listen to Lincoln: "With popular support, nothing can fail; without it, nothing can succeed."

An American Maugham

THE LIFE OF JOHN O'HARA. By FRANK MACSHANE. *Dutton. 274 pp. $15.95.*

Reviewed by GEORGE LANE

ERNEST Hemingway once suggested that somebody should take up a collection to "send O'Hara to Yale," and it was notorious that of all "the boys in the back room" of American literature (as Edmund Wilson called them) it was John O'Hara, chronicler of the fast life of Broadway and Hollywood as well as the mores of the provincial *haute bourgeoisie* and the well-heeled of the Eastern establishment, who most loudly lamented having missed an Ivy League schooling, if only for the fringe benefits it conferred: contacts, revelry, the "right" clubs, most of all access to the world of the super-rich, which would have effectively satisfied his lifelong lust to rub their noses in it back in Pottsville, Pa.

Now, eleven years after O'Hara's death, academics may be coming around to something like a fair appraisal of him as an observer of American customs and aspirations in the 20th century. Following the trail blazed a few years ago by Matthew J. Bruccoli's comprehensive work, *The O'Hara Concern*, Frank MacShane, a teacher at Columbia University and biographer of Ford Madox Ford and Raymond Chandler, has produced a study far removed from the usual cavilings that marked "serious" critics' dismissal of O'Hara for so many years as a glossy purveyor of country-club porn.

John Henry O'Hara—he dropped the bourgeois affectation of a middle initial after his first free-lance pieces for the *New Yorker*—was the oldest child of a respected doctor in the anthracite country of eastern Pennsylvania, the territory he was to celebrate in countless works as "The Region." While appropriating to himself the roughneck persona of a Mick on the make, he had early leanings toward gentility as well as real and fancied snubs from the dominant Wasp elite. John's mother gave French lessons and piano recitals; his father had studied medicine briefly in Europe and paid for John's instruction in ballroom dancing and the arcana of horsemanship. Young O'Hara quenched a precocious thirst early by swilling communion wine from his parish church and got himself banished from Fordham Prep and the boarding department of Keystone Normal School before he was seventeen; a final effort at another Catholic institution, Niagara University Prep, ended with expulsion for drunkenness on the morning he was to graduate. Any hope of Yale after that was obliterated by the doctor's early death and the family's financial decline.

It is probably easier today than it was even a generation back to underestimate the gulf that existed in American small towns between "socially prominent" Protestants and Catholics. The O'Haras were well above the level of "lace-curtain Irish" by any standards, but they were conspicuous, practicing papists in a time when anti-Catholicism was one of the liveliest of American prejudices. John's infatuation with the slightly older Margaretta Archbold, daughter of local Protestant nabobs, was doomed from the outset, though it haunted him for years afterward and surfaced in a number of short stories and novels, notably the autobiographical "Doctor's Son." She made Pottsville bearable for him, and when she was sent off to college by her family to save her from the snares of his rum and Romanism he concluded there was not much left for him to do but keep his adolescent promise to get his name in *Who's Who* before he was thirty.

Always a night owl and never much good as a reporter, sacked twice from the Pottsville *Journal* and once from the Tamaqua *Courier* for his dilettante office hours and indifference to "scoops," O'Hara became a contributor to Franklin P. Adams's "Conning Tower" column in the old New York *World*, later going on to a job with the *Herald Tribune* under Stanley Walker, where he moved in the exhilarating orbit of Ring Lardner, Grantland Rice, Percy Hammond, and Heywood Broun, and attracted notice by his "intense interest in trifles." Still, he found the speakeasies at least as exhilarating as the rewrite desk, and Walker inevitably fired him.

Boisterous, sentimental, exhibitionistic, and truculent in his cups, dogged in his solitary midnights at the typewriter, O'Hara never let up in his galloping after the brass ring; he coveted "all the badges"—

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the Pulitzer, even the Nobel Prize for Literature which had eluded the likes of Henry James, Joseph Conrad, and James Joyce. His gift for calculated churlishness became as much a legend as his famous tape-recorder ear for the nuances of American speech. An upstart by choice himself, he became an expert at overstepping and at slapping down the upstarts who overstepped his own onion-skin-thin hide: unfriendly reviewers, celebrity hunters, academic mandarins. He could turn suddenly on cronies as well as strangers. "Look, John, please don't apologize to *me*," MacShane quotes Robert Benchley saying sweetly in a morning-after exchange. "You're a shit and everyone knows you're a shit, and people ask you out in spite of it. It's nothing to apologize about."

For one so obsessed with public recognition and his "place" in American fiction, it is surprising not that O'Hara wrote so much but that he published so much, particularly so much that was transient and mediocre in the last years, when he had such solid achievements to build on as the novels *Appointment in Samarra, A Rage to Live,* and *From the Terrace* and a considerable number of his 350 short stories. The insecurity behind the prize-grubbing shows through in his horror at finding his friend Scott Fitzgerald dismissed in obituaries as a mere historian of the jazz age, and in his often absurd craving for Rolls Royces, Vuitton luggage, and the insignia and traditions of exclusive societies. It is curious too that outside the Broadway-Hollywood axis he did not delight in travel, an indulgence success could well have afforded him, confining his holidays to a few shopping sprees and a few London clubs. Possibly this, along with his intense and carefully concealed passion for Brahms and other "classical" composers—he was a regular subscriber to the Philadelphia Orchestra—can be traced to his color-blindness, a defect more than compensated for by two large and deadly accurate ears.

How good, really, are the mimetic skills he boasted of so often? Reading his monologue stories of the 30's and 40's where so much is pegged to the *verismo* of the spoken word—the *Pal Joey* sequence, the ramblings of the dumb chorus girl in "I Could Have Had a Yacht," or the stupefying avalance of clichés in the mock-eulogy "Walter T. Carriman"—one finds more than a match for the best of Lardner or Dorothy Parker and realizes how overblown, dated, and leaden-eared are the caricatures of our first Nobel laureate in literature, Sinclair Lewis. Ephemeral stuff, perhaps; but the themes that pervade O'Hara's work—one-upmanship, the clash of old money and new money, the vulnerability of the young, the lurking terrors of old age, the random unexpected decencies that somehow keep us going—are all there in the stories, handled with precision and remarkable economy.

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In "Price's Always Open" a young "townie" who attends Holy Cross is humiliated at a beach resort hangout by supercilious Harvard "preppies"; in "Too Young," a high-school boy with a crush on a college girl overhears her making an assignation with a motorcycle cop; in "No Mistakes" (drawn from an incident in O'Hara's brief first marriage), a dropout Catholic attends the first High Mass of a newly ordained friend with his Protestant bride, and in introducing her to the priest dredges up a subtle hint of residual guilt in himself for having left the Church. In the superbly compressed "Graven Image," an old-money patrician sounding out a hustling New Deal bureaucrat for a job in wartime Washington botches his chance by reminding the bureaucrat of the futility of his ambition to "make" the Porcellian Club years before. A lesser interpreter might have noted that the two men "went to Harvard together"; O'Hara merely nails down the relationship with "Browning and the Under Secretary had been at Harvard at the same time."

MACSHANE makes a case for the superiority of the short stories over the novels, and it can be argued that the diffusion of focus increases with O'Hara's rush to "get everything in" in the later works. *Appointment in Samarra* covers barely forty-eight hours in the social and physical suicide of a Pottsville Cadillac dealer (here "Gibbsville," from O'Hara's old *New Yorker* colleague Wolcott Gibbs), and it plunges ahead with an intensity and concentration that Fitzgerald at his best could not muster. *A Rage to Live,* a more ambitious panorama of the Pennsylvania gentry before and during World War I, founders and breaks in two with the polio death of the heroine's cuckolded husband. *From the Terrace,* following the entire career of an inhibited but basically decent local aristocrat, should have been O'Hara's *magnum opus* and contains his most comprehensive view of the American power elite in World War II, but it clots up with such gargantuan masses of social minutiae that one is tempted, paraphrasing what Mark Twain said of Wagner's music, to suggest that O'Hara's prose is really much better than it sounds.

O'Hara was always on a short fuse with the exclusivism of academic critics, and despite his taste for conspicuous consumption, came down often on the side of the meek and unlettered. Admiring John Kennedy, he sneered at Robert Kennedy as a man "trying to turn on the charm when he had none to turn on," and voted for Goldwater in 1964 because the "Lester Lanin people" had had their day and it was time to give the "Lawrence Welk people" a chance.

Perhaps, if facile transatlantic equations are to be entertained, and John P. Marquand can be seen as an American Galsworthy, as some of his reviewers claimed, then O'Hara, especially in his treatment of the theme of obsession (*Ourselves to Know, Ten North Frederick*), and in the scorn with which "serious" critics viewed his enormous financial success, is the closest we have to an American Somerset Maugham, endorsing by implication at least a code of "gentlemen's values" and turning an icy doctor's eye on our self-deceptions.

The Pot Lobby

HIGH IN AMERICA: THE TRUE STORY BEHIND NORML AND THE POLITICS OF MARIJUANA. By PATRICK ANDERSON. *Viking. 328 pp. $13.95.*

Reviewed by BRYAN LOPS

ONE Saturday evening in November 1972, Patrick Anderson, a journalist, political novelist, former speechwriter for Robert Kennedy, and future speechwriter for Jimmy Carter, left his suburban Virginia home with his wife to drive into Washington for dinner and a private party. The two of them had been deeply involved in George McGovern's unsuccessful presidential campaign, and they hoped to use this small celebration as a way of marking the end of that project and their desire to move on to something new.

Anderson found what he was looking for later that evening at a friend's house when he met Keith Stroup, a twenty-eight-year-old lawyer who two years before had founded NORML, the National Organization for the Reform of Marijuana Laws, a pressure group seeking the removal of criminal penalties for marijuana possession and use. Anderson knew "good copy" when he saw it, and from that moment on he became a rapt observer of both Stroup and the organization he had founded. *High in America* represents Anderson's attempt to tie together his observations and reflections about Stroup and NORML, and to weave them into a narrative covering the entire past decade.

ANDERSON's account of the "pot lobby's" fortunes is chronological, except for a lengthy opening description of a fateful Saturday night gathering which took place at the conclusion of NORML's annual conference in December 1977. A rollicking affair held in downtown Washington, it was the kind of party at which high-quality joints, cocaine, and hallucinogens are passed out along with the caviar and drinks. While a number of younger members of the Carter administration were among the several hundred guests, the major coup of the evening was the arrival of Dr. Peter Bourne, at that time Jimmy Carter's closest adviser on drug policy. Even more astounding was the way Bourne, shortly after arriving, succumbed to the desire to be one of the boys and used cocaine along with Stroup and several other NORML luminaries. When the ill-kept secret of this famous "snort" was finally revealed in the Washington press the following summer, Bourne became such a political liability to the Carter administration that he was forced to leave office, thus bringing to a close a distinct phase in national drug policy.

Yet as Anderson points out, the mere fact that the NORML post-conference party had such drawing power was proof of how far the "pot lobby" had come since its beginnings in the early 70's. When Stroup and a friend first founded

BRYAN LOPS *is a legislative analyst in Washington.*

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THE SECRETARY, MARTIN BORMANN: *The Man Who Manipulated Hitler*

Jochen von Lang, with the assistance of Claus Sibyll
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"In this well-translated, absorbing biography, von Lang brings us not only his subject but the whole Nazi machine in its ascent, heyday, and decline." —*The New Yorker*

"The heart of this book—tough, undramatic but rewarding reading—is von Lang's portrayal of Bormann's outflanking and eliminating his more famous opponents—Goebbels, Göring, Speer." —*Newsweek*

This book is the story not only of the dramatic discovery of Bormann's remains but of the man himself—the almost incredible story of a not very talented, totally unimaginative, dedicated, ruthless, crafty, and tireless bureaucrat who skillfully played on Hitler's weaknesses until he had made himself the most powerful man in Germany next to Hitler himself, the man through whom all the other Nazi elite—Goebbels, Göring, Speer, Ribbentrop, Schirach—had to approach the Führer. It is perhaps the most devastating picture yet of the arbitrariness and disorganization of the Third Reich. Even more important, it is a chilling case history of how a desire for power and a will to succeed can, if all other considerations are put aside, carry a man to the top. It is impossible to conclude after reading it that another Bormann could not rise in almost the same way in another country today.

Born in 1925, Jochen von Lang is an editor on the German news magazine *Stern*. Two of his best-known pieces are "The Last Hundred Days of Hitler's Reich" and a report on Auschwitz, "Assassins Are Like You and Me."

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WHERE IS JOEY? *Lost among the Hare Krishnas*

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NORML in early 1971 (inspired by the example of Ralph Nader), the Vietnam war was still the overriding issue for liberals, and they gave him little support. Other sources were hardly more helpful. When the thirteen-member presidential National Commission on Marijuana and Drug Abuse issued a report in 1972 calling for decriminalization—official discouragement of marijuana use but removal of criminal penalties for private possession and use—President Nixon quickly and vigorously denounced the report as half-hearted and detrimental to effective law enforcement.

In such a climate, Stroup could do little more than exploit his considerable flair for public relations to build support for decriminalization, touch base occasionally with local "pot lobby" groups in the various states, and try to keep NORML financially afloat by cultivating a "straight," non-hippie image. In doing so he sought and obtained support from a political coalition which included the Ford Foundation-financed Drug Abuse Council, the Playboy Foundation, "progressive" philanthropists Stewart Mott and Max Palevsky, and later, much to the chagrin of his more respectable followers, *High Times*, an unabashedly and outrageously pro-drug magazine founded by former SDS and Yippie leader Tom Forcade, whose other accomplishments included having been indicted for trying to firebomb the 1972 Republican national convention.

But once the post-Watergate backlash of 1974 swept into office record numbers of younger, more liberal state legislators—and resulted in five states, including California and Ohio, passing decriminalization bills in 1975 alone—the rules of the drug-policy game abruptly began to change. The election of Jimmy Carter in 1976 reinforced the trend, for Carter had supported decriminalization during the campaign and had a son who had been discharged from the Navy for smoking marijuana, as well as a younger entourage whose fondness for drugs was becoming legendary.

With old NORML allies like Peter Bourne now in charge of national drug policy, Stroup knew that to extract concessions he would have to play along with them in their own battles in the White House and in the bureaucracies, but this he found it temperamentally difficult to do, so his relations with the new administration were prickly at best. It was, in fact, Stroup's pique, born of frustration at his unsuccessful efforts to get the administration to stop subsidizing the spraying of Mexican marijuana fields with the herbicide paraquat, which led him to confirm personally the rumors that were circulating about Bourne's cocaine use at the 1977 party—a gambit which turned out to be self-defeating. It shocked Stroup's associates (who saw it as a needless personal assault on an old ally), sparked Stroup's own retirement as head of the organization, and insured that Bourne's successors in the drug-policy field would have nothing whatsoever to do with either Stroup or NORML.

By this time, in any case, the nation's anti-marijuana forces had also mastered the art of political organization, setting their sights not on "recriminalization" in any of the eleven states where the marijuana laws had been changed but rather on outlawing the drug paraphernalia or "head" shops that were proliferating across the country. As the new decade dawned, this anti-drug lobby was quickly surpassing NORML in influence, and appeared to have the political momentum running strongly in its favor.

THROUGHOUT *High in America*, Anderson leaves no doubt about his own viewpoint. He believes that the prevailing system of legal prohibition but *de facto* toleration of marijuana constitutes "a domestic Vietnam, a national disgrace" which has needlessly damaged the lives of thousands of young Americans, and he makes a strong case for this position. Certainly some of the horror stories told here about government marijuana policy—the capricious arrests of young people for possession and use, the earlier "Killer Weed" campaigns of the 1930's, and recent bureaucratic attempts to hinder the availability of legal marijuana for glaucoma victims and cancer patients undergoing chemotherapy—do not inspire confidence in the regulatory function of the state. Moreover, looking purely at the theoretical aspects of the case, an argument can certainly be made that the government should not interfere with personal use by adults of an intoxicant which when taken in moderation may be little more dangerous than tobacco or alcohol.

Nonetheless, perhaps because Anderson, like so many of his fellow veterans of the McGovern campaign, underestimates the significance of the counterculture and its drug component, his views about marijuana are ultimately as shortsighted as those of the government drug regulators he criticizes. Specifically, what his advocacy of decriminalization or even legalization overlooks is the very real possibility that this is only the first step in a larger campaign with much deeper and more troubling implications.

Thus, although it wholeheartedly embraced the recommendation of the National Commission on Marijuana and Drug Abuse that marijuana use be decriminalized, NORML ignored the simultaneous recommendation that such use be discouraged. Stroup, moreover, personally experimented with all kinds of drugs, to the point where, Anderson suggests, he developed a clear psychological dependency on them which was self-destructive and damaging to his work. (Upon leaving NORML, he founded a Washington law firm specializing in defending marijuana and cocaine dealers.)

Similarly, many of the drug-lobby activists who turned out for NORML conferences and related events were not staid cocktail-hour marijuana puffers but regular users of hard drugs. At the 1977 conference, the Yippies among them deeply embarrassed Stroup by making a shambles of the proceedings, but he had to let them attend since by that time their leader, Tom Forcade of *High Times* magazine, had become a principal financial backer of NORML. While the group's other leading financial supporter, Hugh Hefner of the Playboy Foundation, could arguably be said to be honestly interested in promoting

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individual freedom, it would be hard to make a similar claim for Forcade. Described by Stroup as "the craziest, most drugged-out motherfucker I ever met," Forcade shot and killed himself at the end of 1978, but during his tenure *High Times*, a hugely successful capitalist enterprise, brimmed with ads from the multimillion dollar drug-paraphernalia industry. Its New York offices, by Forcade's own admission, resembled "the midway in a sleazy carnival. There were people with pills in one room, grass in another, coke in another room, nitrous in the next room, glue in another room, and so on down the hall."

It is precisely through such ties to the seamier side of the drug culture that the respectable marijuana legalizers of NORML have transformed their cause into a symbolic issue which has thoroughly obscured the factual merits of the case. (The same has happened, of course, with the battles over ERA, abortion laws, and gay-rights ordinances.) Anderson acknowledges that this has happened, and deplores it, but nevertheless clings to his middle-of-the-road position—namely, for legalization of adult marijuana use but against leniency toward adolescent use or toward hard drugs. Fortunately, there are others quoted here—notably the anti-marijuana activists Sue Rusche of Atlanta and Dr. Robert DuPont, both interviewed at length—who have faced up to the symbolic dimensions of the marijuana-law debate.

Neither of the two is an adherent of the Moral Majority. Sue Rusche, formerly an activist in the civil-rights movement, is now a leader in the fight against head shops. Dr. DuPont, a White House drug official during the Ford and Nixon administrations, was until quite recently a supporter of decriminalization. Neither of them wishes to see adult marijuana smokers arrested or sent to jail, though they shy away from the term "decriminalization" because it has become identified with NORML. What worries them particularly is adolescent and child drug abuse, since they strongly believe that adult and non-adult use cannot truly be separated. They also simply fear the effects that a shift from *de facto* to *de jure* legalization could have on adolescents by enshrining the values of the drug culture and raising the allure of harder drugs. To these fears Anderson is never really able to muster an effective response. As a result, *High in America* cannot be seriously considered as a guide to the future direction of national drug policy.

Getting Even

MAKING SCENES. By ROBERT BRUSTEIN. *Random House. 341 pp. $15.00.*

Reviewed by
ROBERT WILLIAM KAGAN

ROBERT BRUSTEIN came to Yale in 1966 at the invitation of president Kingman Brewster to add a bit of life to a fading Yale Drama School. He brought with him a wide reputation as a student and critic of the theater, but he also possessed the kind of personality, outspoken and outrageous, that could attract attention to "Kingman Brewster's Yale," the Yale of great new buildings and noted personalities. And, indeed, during Brustein's tenure as dean of the Drama School and head of the Yale Repertory Theater, Yale received more space in the theater pages of the New York *Times* than ever before or since. Broadway and film stars graced the campus, much to Brustein's professed chagrin, and critics paid so much attention to Brustein's Yale Rep that he eventually had to ask some of them to stay away.

But even throughout this heyday, Brustein collected plenty of bad reviews, both personal and professional, both artistic and academic. Much of the Yale community doubted his artistic talent; some thought his rule over the Drama School tyrannical. Yale undergraduates indignantly attacked Brustein's lack of interest in undergraduate theater. Brustein's politi-

ROBERT WILLIAM KAGAN *is assistant editor of the* Public Interest *and a recent graduate of Yale.*

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cal views, which flitted unpredictably across ideological boundaries, inevitably brought criticism from every side.

Yet Brustein survived all this turmoil for thirteen years, far longer than most academic deans. This was perhaps a tribute to the strength of his personality, and to the aura of success which he brought to Yale theater. But Brustein also owed his good fortune to his patron, Kingman Brewster. As long as "the King" ruled, Brustein had a job. In 1977, however, Brewster left Yale to serve as ambassador to the Court of St. James's, and A. Bartlett Giamatti was appointed Yale's new president. Soon afterward, Giamatti put an end to Brustein's long run in New Haven, and thus brought down upon himself the wrath of a man scorned.

How rare it is, though, that a man relieved of his post abandons the dignity of his years to rail against and vilify publicly the power which has struck him down. People in the academic world usually accept such judgments gracefully, and in so doing preserve their own dignity and that of their profession. Rarely does a man feel that he has been dismissed justly, but respect for self and for the institution almost always keeps inner resentments from overflowing into public expressions of bitterness and outrage. What a comical world this would be if every person who lost his job wrote a book in protest. Yet true to his character, Brustein has determined to get in the last blow in a battle which he lost long ago and which all but he have forgotten. Ironically, if *Making Scenes* has any effect at all, it will be to convince its readers that Giamatti made the right decision, and that Yale is better off with Brustein at Harvard.

For all that *Making Scenes* reveals of Robert Brustein's egomania, however, it would be wrong, though not quite unfair, to focus only on that aspect of his book. Although Brustein devotes a lot of space to attacking Giamatti, the rest of *Making Scenes* is nonetheless worth reading for the glimpse it offers of a particularly inglorious decade in Yale history. The years of Brustein's tenure as dean of the Drama School happened to coincide with the now legendary period of campus unrest in America, and though Yale may have been spared the worst that those years had to offer, it nonetheless suffered its share of ignominy. More often than not Yale abandoned the principles and convictions worthy of a great university, preferring instead to steer away from whatever troubles lay before it. Brustein's personal memoirs of this period include many colorful, if unsettling, stories of student, faculty, and administration behavior during the difficult moments of the 60's: the Yale blue-collar workers' strike; the war protests; the Bobby Seale-Black Panther trials; the occupation of a Yale building by students; the May Day demonstration; the disruption and attempted censorship of a debate involving William Shockley; as well as other less famous but equally disturbing events. The picture that emerges of that decade, now coming to be remembered with increasing nostalgia, is one of utter confusion. Principles got lost amid slogans and propaganda. Words like "freedom," "individual rights," "moral," and "immoral" were twisted and distorted beyond recognition. Tolerance became intolerance; nonviolence became violence; and far too few had the courage or the wisdom to speak out against the accepted doctrines.

Brustein himself behaved admirably during much of this period, seeing through most of the foggy logic and obscurantist propaganda. "I do not share," he wrote in 1969,

> the current reflexive assumption that radical movements are necessarily more humane or more compassionate than other movements. I hear the SDS affirm this, but I see no evidence in fact. When I hear of a Columbia professor having his arms pinioned by students about to occupy a building and being hit in the face by a club, or the gentle lady president of Radcliffe being terrorized by students protesting a minor disciplinary action, I do not automatically think of the courteous Marxism espoused by Brecht, but rather of the bully tactics used by the Nazis against the educational institutions of

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> another corrupt liberal regime, the Weimar Republic. . . . The assault on the universities sometimes looks less to me like honest idealism than a grownup version of the bully game called "get the guy with the glasses."

Brustein was just as clear-minded about issues like academic freedom, free speech, and affirmative action. Although he was not always outspoken on these subjects, he did refuse to submit a breakdown of the Drama School by race and sex as requested by the Yale office of affirmative action. "Either way, it was still discrimination, and my head was spinning from the twists and turns of social-political fashion. One could sympathize with the goals of affirmative action, as I and others like me certainly did, without agreeing to reach these goals by suspending sensible laws and fair practices."

ON THE subject of the Drama School and the Yale Rep, however, Brustein's cool rationality disappeared. Both institutions were an extension of the man, much more so than any other Yale school or department. To attack the Rep or the Drama School was to attack Brustein, and any critic who dared pan a Yale Rep production risked a swift counterattack. The fact that Brustein himself was well known as a tough critic did not stop him from asking hostile reviewers like Clive Barnes and Walter Kerr to stay away from his theater. Always willing to admit such flaws, as if by admitting them he could excuse himself, Brustein writes, "Everyone has at least one deadly sin. Mine is the deadliest—pride. My identity had somehow gotten so totally wrapped up with the theater and the school that when either of these institutions or their members were attacked, I took it as a personal affront."

But pride is not an evil characteristic; it is the corruption of pride, which we call vanity, that leads men to act dishonorably. Brustein clearly possesses both qualities. The former gave him the strength to stand by his convictions during the difficult days of campus unrest; the latter dominated his confrontation with Giamatti and has spurred him to devote nearly two chapters to "setting the record straight" about his dismissal as dean of the Drama School.

And set it straight he does, making Giamatti's case more impressively than maybe even Giamatti himself could. For Brustein, in his candid way, shows clearly that he had little or no interest in the Yale undergraduate body—the presence of undergraduates would "deprofessionalize" the Drama School—nor, for that matter, in Yale University. His interests, put in their best light, were in creating a great and nationally famous repertory theater. Yale was merely a locus, albeit an extremely prestigious locus. Nothing demonstrated his attitude better than the exchange with Giamatti which he is honest enough, or naive enough, to recount. "I recognize," he said in the course of his debate with Giamatti,

> "that you are in a position to do anything you want with any school of the university. But rather than watch our program be dismantled, I would have to consider very seriously moving it somewhere else." Giamatti regarded me skeptically. "Move the Yale School of Drama?" he asked. "No, not the physical school. That is the property of Yale," I answered. "But the *idea* of the institution as embodied in the theater I founded and the school program I developed, that is certainly moveable. And move it I will if I think its existence is threatened."

Brustein thought of Yale "as a laboratory for our work." The Rep and Drama School were his own little workshop, set off from the rest of the university. Undeniably, Brustein put Yale and New Haven on the map in the theatrical world, even though his own account of the Rep's history showed that the critical response to his efforts was largely negative. Even so, Kingman Brewster considered it "the jewel in Yale's crown," gave Brustein a completely free hand, and urged him to stay on as dean well past the normal tenure.

Giamatti, however, was under no obligation to accept this legacy of the Brewster presidency. If he wished the Drama School to be a more useful resource for Yale Uni-

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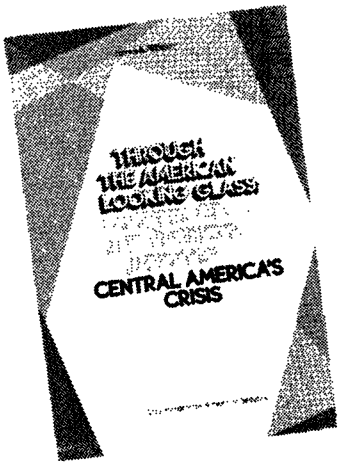

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versity, if he wished to replace a dean who was clearly unwilling to carry out his desires, then he can hardly be blamed. Nor does Brustein's claim that he had two more years coming to him in his agreement with Brewster have the slightest justification.

BUT beyond all the sound procedural and academic reasons behind Giamatti's decision, there was still something else, something unspoken but equally decisive. Giamatti, in his heart, must have shared the widely held opinion that Brustein's theater was not good theater. The productions were flashy. They forced the audience constantly to be aware of the director, who in turn wanted everyone to know that *he was trying something different and highly innovative.* Brustein's choice of plays, moreover, evinced a kind of adolescent leftism that most found hard to take seriously. Productions like *Watergate Classics, Viet Rock,* and *Dynamite Tonight!* were the worst examples of this, but even the productions of Brecht and Ibsen left one dissatisfied with the unsophisticated nature of their social comment. The Rep's interpretations of the classics moreover—Shakespeare, Euripides, Aeschylus, Molière—invariably ignored the original intentions of the playwright, preferring instead to impose the kind of social criticism "relevant" to the modern age. The Rep's production of Aeschylus' *Prometheus Bound,* for example, was in Brustein's words "a thoroughly modernized version of the ancient play, with contemporary resonances echoing all forms of tyranny (including America's treatment of the Vietnamese)." Hermes was portrayed as a Nazi storm trooper and Haephestas as a crippled singer of Negro spirituals. Molière's *Don Juan* was staged as a Black Mass complete with specters, hooded figures, altars, and a ritual sacrifice ("I was admittedly taking considerable liberties with the play.").

Brustein thought it necessary to treat all the "sacred texts" in this manner, to provide a modern metaphor for every classical production. "Years of reviewing stale classical productions had convinced me it was better to run the risk of violating a well-beloved play than to produce it in a conventional stodgy fashion." This approach to the classics led to some odd productions, but none as memorable as the Rep's *Macbeth.* Here is Brustein's own account of his inspiration for a new "concept" for *Macbeth*:

> I had lately been reading a lot of science fiction, and . . . I began to look at Macbeth's description of the weird sisters—". . . . That look not like th' inhabitants o' th' earth. . . ."—Not like the inhabitants of the earth! What if (I thought) the weird sisters were *not* inhabitants of the earth but creatures from another world? . . . I decided to set the play in prehistoric times, when men wore the skins of animals and ate their meat raw. It would take place at Stonehenge in front of those mysterious dolmens, now transformed into alien spaceships, which the creatures inhabit and then abandon to Earth after the death of Macbeth. I didn't realize until later how difficult it would be to integrate the primitive setting with Shakespeare's sophisticated verse.

Difficult indeed. The characters in Brustein's *Macbeth* behaved like Neanderthals. They walked with their hands hanging below their knees, and they literally grunted the Shakespearean verse, much of which was therefore unintelligible. Above the stage there was also a giant television screen, which gave *Macbeth* the *Star Trek* quality Brustein was after.

Brustein admittedly never intended to entertain his audiences, but rather to challenge them, to shake them out of their bourgeois sensibilities. He expressed contempt for the "domestic realism" of the plays at the Long Wharf Theater, the widely-respected repertory company which was his rival in New Haven. The Long Wharf's style, he writes,

> made it a congenial resting place for the middle-class New Haven population, lulled by the sight of familiar lives on stage. It was consumer theater at its best, relying principally on the proven American and English repertory, and including about one play a year that might be risky at the box office. It was admittedly hard to separate my standards as a critic from my feelings as a competitor, so these opinions should be taken with a grain of salt. But it didn't make me feel very good about the state of American theater when the comforting staples of the Long Wharf received such enthusiastic praise from critics.

But as much as Brustein may have despised New Haven's middle-class population, it was not they who pronounced final judgment on his theater. Mostly they did not attend. It was the Yale audience, potentially the most receptive audience an innovative director could want, who walked out of Brustein's plays and threw away their season's ticket books. And they did so not because they were intolerant of experimentation and avant-garde theater. No audience was likely to have been more tolerant. Rather it was because they, like the critics, rarely left Brustein's theater thinking they had seen an important first step or a keen insight that could justify suffering through hours of bad entertainment.

In the end, how tolerant could a university be? How long could it support a dean whose theater it disliked, whose programs lost money, and who cared not a whit for the university itself? Brustein felt that it was somehow Yale's "responsibility" to provide the facilities, tools, and tolerant atmosphere necessary for him to pursue his own personal and artistic ambitions. Kingman Brewster obviously agreed, but no truly responsible president could have allowed this very special arrangement to continue. The case against Brustein was overwhelming.

But who would have known just how overwhelming if Brustein had not put it all down on paper for the world to see? Clearly, in *Making Scenes,* Brustein has let vanity get the better of him. His vengeful attack on A. Bartlett Giamatti, moreover, is certain to fall short of its mark, like a rock thrown at the moon by a child.

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